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Bhadra 6, 1881 (Saka)

# LOK SABHA DEBATES

(Eighth Session)



(Vol. XXXIII contains Nos. 11—20)

LOK SABHA SECRETARIAT  
NEW DELHI

62 nP. (INLAND)

THREE SHILLINGS (FOREIGN)

## CONTENTS

[SECOND SERIES—Volume XXXIII—August 17 to 29, 1959/Sravana 27 to Bhadra 7,  
1881 (Saka) ]

**No. 11—Monday, August 17, 1959/Sravana 27, 1881 (Saka)—**

COLUMNS

**Oral Answers to Questions—**

Starred Questions Nos. 491 to 493, 496, 498, 500 to 502, 507, 503 to 506 and  
508 to 512 . . . . . 2667—2706

**Written Answers to Questions.—**

Starred Questions Nos. 494, 495, 497, 499 and 513 to 536. . . . . 2706—21

Unstarred Questions Nos. 890 to 956 and 958 to 1025 . . . . . 2721—2808

Re:Motions for Adjournment . . . . . 2808—10

Papers laid on the Table . . . . . 2810—11

Message from Rajya Sabha . . . . . 2811—12

Demands—Supplementary for Grants . . . . . 2812

**Calling Attention to a Matter of Urgent Public Importance—**

Accumulation of tobacco stocks in Andhra Pradesh . . . . . 2812—14

Resolution Re: Proclamation in respect of Kerala . . . . . 2814—2926

**Daily Digest. . . . . 2927—34**

**No. 12—Wednesday, August 19, 1959/Sravana 28, 1881 (Saka)—**

**Oral Answers to Questions—**

Starred Questions Nos. 537 to 539, 542 to 544, 546, 547, 550—557  
and 559—563. . . . . 2935—73

**Written Answers to Questions.—**

Starred Questions Nos. 540, 541, 545, 548, 549, 558, 564 to 583 . . . . . 2973—84

Unstarred Questions Nos. 1026—1117 . . . . . 2985—3036

Re: Motions for Adjournment . . . . . 3036—42

Paper laid on the Table . . . . . 3043

Messages from Rajya Sabha . . . . . 3043—44

**Committee on Private Members' Bills and Resolutions—**

Forty-seventh Report . . . . . 3044

Petition re: Andhra Pradesh and Madras (Alteration of Boundaries) Bill . . . . . 3044

**Calling Attention to Matter of Urgent Public Importance—**

Bomb explosion in Delhi . . . . . 3044—46

Business of the House . . . . . 3046

Resolution re: Proclamation in respect of Kerala . . . . . 3046—3206

**Daily Digest. . . . . 3207—14**

**No. 13—Thursday, August 20, 1959/Sravana 29, 1881 (Saka)—**

**Oral Answers to Questions—**

Starred Questions Nos. 584, 586 to 588, 590 to 594, 596, 608, 595 and 597  
to 600 . . . . . 3215—51

**Written Answers to Questions—**

Starred Questions Nos. 585, 589, 601 to 607 and 609 to 631. . . . . 3251—71

Unstarred Questions Nos. 1118 to 1197 . . . . . 3271—3320



	COLU
Business of the House	3321—23
Papers laid on the Table	3323—24
Messages from Rajya Sabha	324
Committee on Absence of Members from the Sittings of the House— Fifteenth Report	3324—25
Correction of Statement re: Situation in Pondicherry	3325—27
Resolution re: Proclamation in respect of Kerala	3327—3424
Oil and Natural Gas Commission Bill	3424—46
Motion to consider	3424—42
Clauses 2 to 32 and 1	3442—46
Motion to pass	3446
International Monetary Fund and Bank (Amendment) Bill—	
Motion to consider	3446—56
Central Excises and Salt (Amendment) Bill—Introduced	3
Business Advisory Committee—	
Forty-first Report	3451—52
Daily Digest	3453—56

*No. 14—Friday, August 21, 1959/Sravana 30, 1881 (Saka)*

Oral Answers to Questions—	
Starred Questions Nos. 632 to 643, 645, 646, 649—653	3461—97
Written Answers to Questions—	
Starred Questions Nos. 644, 647, 648, 654 to 676 and 110	3498—3513
Unstarred Questions No. 1198 to 1285	3514—60
Motions for Adjournment—	
Alleged violation of Indian air space over Calcutta	3560—6
Papers laid on the Table	3562—63
Messages from Rajya Sabha	3563—6
Business of the House	3564—6
Business Advisory Committee—	
Forty-first Report	3565
Discussion re: rise in foodgrains prices	3566—3629
Committee on Private Members' Bills and Resolutions—	
Forty-seventh Report	3630
Resolution re: Nationalisation of Banks	3631—82
Resolution re: Reference of Tibet issue to the U.N.O.	3682—90
Daily Digest	3691—98

*No. 15—Saturday, August 22, 1959/Sravana 31, 1881 (Saka)*

Oral Answers to Questions—	
Starred Questions Nos. 677, 680, 681, 682, 683, 685, 686, 688, 689, 691, 695, 696, 699, 700, 702, 704	3799—373
Written Answers to Questions—	
Starred Questions Nos. 678, 679, 684, 687, 690, 692 to 694, 697, 698, 701, 703, 705 to 708	3736—43
Unstarred Questions Nos. 1286 to 1376	3743—96
Death of Syed Fazl Ali	3797—3800
Statement re: Accident to Hoist Chamber at Bhakra	3800—C I
Motion for adjournment—	
Accident to Hoist Chamber at Bhakra	3801—4
Papers laid on the Table	3804—05

Business of the House	3805—07
International Monetary Fund and Bank (Amendment) Bill	3807—46
Motion to consider	3807—46
Clauses 2 to 5 and 1	3846
Motion to pass	3846
Discussion re: Rise in Foodgrain Prices	3847—3930
Half-an-hour discussion re: Hydrogenated Oils	3930—48
Daily Digest,	3949—56
<i>No. 16—Monday, August 24, 1959/Bhadra 2, 1881 (Saka)</i>	
Oral Answer to Questions—	
Starred Questions Nos. 710, 711, 713 to 715, 718 to 723 and 725 to 729.	3957—98
Short Notice Question No. 2	3998—4000
Written Answers to Questions—	
Starred Questions Nos. 709, 712, 716, 717, 724, 730 to 769	4000—25
Unstarred Questions Nos. 1377 and 1379 to 1456	4025—67
Motions for Adjournment—	
(1) Hunger-strike by Delhi teachers	4067—73
(2) Indians in Tibet	4073—78
Papers laid on the Table	4078-79
Message from Rajya Sabha	4079-80
Statement re: Accident to Hoist Chamber at Bhakra	4080—87
Statement re: Demands for Excess Grants (Himachal Pradesh), 1956-57	4088
Statement re: Demands for Excess Grants (Delhi), 1956-57	4088
Statement re: Demands for Supplementary Grants (Kerala), 1959-60	4088
Calling Attention to a Matter of Urgent Public Importance—	
Reported presence of Chinese Submarines off West Coast of Kerala	4088—90
Committee on Absence of Members from the Sitzings of the House—	
Fifteenth Report	4091
Business of the House	4092-93
Kerala Local Authorities Laws (Amedment) Bill—Introduced	4093-94
Demands for Excess Grants	4094—4116
Statement re: Pay Commission Report	4116—18
Demands for Supplementary Grants	4118—85
Central Excises and Salt (Amendment) Bill—	
Motion to consider	4186—4210
Daily Digest	4211—18
<i>No. 17—Tuesday, August 25, 1959/Bhadra 3, 1881 (Saka)</i>	
Oral answers to questions—	
Starred Questions Nos. 770 to 778, 792, 779, 781, 782, 784, 785, 787, 789, 791, 793 to 796 and 798.	4219—60
Written answers to questions—	
Starred Questions Nos. 780, 783, 786, 788, 790, 797 and 799 to 810	4260—69
Unstarred Questions Nos. 1451 to 1565 and 1567.	4270—4340
Committee on Private Members' Bills and Resolutions—	
Forty-eighth Report	4340
Petitions re:	
(1) Accidents at Railway crossings	4341
(2) Amendment of Indian Arms Rules	4341

Correction of Answer to Starred Question No. 496	4341-42
<b>Bills Introduced:</b>	
(1) Appropriation (No. 4) Bill, 1959	4342
(2) Appropriation (No. 5) Bill, 1959	4343
(3) Appropriation (No. 6) Bill, 1959	4343
Central Excises and Salt (Amendment) Bill	4344-55
Motion to consider	4344-50
Clauses 1 and 2	4351
Motion to pass	4351-55
Kerala Local Authorities Laws (Amendment) Bill	4355-71
Motion to consider	4355-70
Clauses 2 to 7 and 1	4370
Motion to pass	4371
Prevention of Cruelty to Animals Bill—	
Motion for concurrence	4371-4419
Motion <i>re</i> : Report of Sanskrit Commission	4419-84
Petition—Andhra Pradesh and Madras (Alteration of Boundaries) Bill	4484-86
Daily Digest	4487-94
<b>No. 18.—Thursday, August 27, 1959/Bhadra 5, 1881 (Saka)—</b>	
Oral Answers to Questions—	
Starred Questions Nos. 811 to 820, 828, 821 to 824, 827, 830, 831, 833, 837, 843, 840 and 841	4495-4534
Short Notice Question No. 3	4534-38
Written Answers to Questions—	
Starred Questions Nos. 825, 826, 829, 832, 834 to 836, 838, 839, 842, 844 to 863	3538-55
Unstarred Questions Nos. 1568 to 1618 and 1620 to 1671	3556-4609
Papers laid on the Table	4609
Petition <i>re</i> . Indian Arms Rules	4610
Bills Introduced—	
1. Government Savings Bank (Amendment) Bill	4610
2. Government Savings Certificates Bill	4610
3. Public Debt (Amendment) Bill	4610-11
Bills passed —	
1. Appropriation (No. 4) Bill, 1959	4611-12
2. Appropriation (No. 5) Bill, 1959	4612-13
3. Appropriation (No. 6) Bill, 1959	4613-14
Prevention of Cruelty to Animals Bill—	
Motion for concurrence	4614-59
Demands for Supplementary Grants (Kerala)	4659-78
Motion <i>re</i> : Fourteenth Report of Law Commission	4678-4743
Arrest and Release of Members	4717
Daily Digest	4745-52
<b>No. 19.—Friday, August 28, 1959/Bhadra 6, 1881 (Saka)—</b>	
Oral Answer to Questions—	
Starred Questions Nos. 866 to 870, 872 to 874, 876 to 878, 880, 882, 883, 886 to 889, 891 and 892	4753-92
Short Notice Questions Nos. 4 to 7	4792-4809

## Written answers to questions—

Starred questions Nos. 871, 875, 879, 881, 884, 885, 890 and 893 to 913 . . . . . 4809—26

Unstarred questions Nos. 1672 to 1733 . . . . . 4826—60

## Motion for Adjournment—

Situation in India's northern border . . . . . 4860—73

Papers laid on the Table . . . . . 4873-74

Correction of Answer to Short Notice Question . . . . . 4874

Message from Rajya Sabha . . . . . 4874

## Calling Attention to a Matter of Urgent Public Importance—

Reported recommendations of the Pay Commission . . . . . 4875—77

Motion *re*. Policy of Government in regard to Public Borrowing . . . . . 4877—4909

## Committee on Private Members, Bills and Resolutions—

Forty-eighth Report . . . . . 4909-10

## Bills introduced—

(1) The Transport Co-ordination Bill, 1959 by Shri Jhulan Sinha . . . . . 4910

(2) The Industrial Disputes (Amendment) Bill, 1959 (*Amendment of section 3*)  
by Shri Ram Krishan Gupta . . . . . 4910

(3) The Co-operative Societies (for Union Territories) Bill, 1959 by Shri  
Arjun Singh Bhadauria . . . . . 4911

## Code of Criminal Procedure (Amendment) Bill, 1957—

(*Omission of sections 107, 109 and 110 and amendment of section 161*) . . . . . 4911—34

## Motion to consider—negatived

States Reorganisation (Amendment) Bill, 1958 (*Amendment of section 51*)

Motion to consider—negatived . . . . . 4934—78

Mirzapur Stone Mahal (Amendment) Bill, 1958 (*Amendment of section 3*)

Motion to consider . . . . . 4978

## Business Advisory Committee—

Forty-second Report . . . . . 4978

Daily Digest . . . . . 4979—86

No. 20—Saturday, August 29, 1959/Bhadra 7, 1881 (*Saka*)—

## Oral answers to questions—

Starred Questions Nos. 914 to 928, 930, 935 and 936 . . . . . 4987—5026

## Written answers to questions—

Starred questions Nos. 929, 931 to 934 and 937 to 960 . . . . . 5026—41

Unstarred Questions Nos. 1734 to 1808 . . . . . 5041—80

*Re*: Motions for Adjournment . . . . . 5080—84,  
5085—86

Papers laid on the Table . . . . . 5084—85

Business of the House . . . . . 5086—94

## Business Advisory Committee—

Forty-second Report . . . . . 5094—96

Withdrawal of certain Members from the House . . . . . 5096-97, 5099

Demands for Supplementary Grants (Kerala) . . . . . 5099—5139

Motion *re*: Policy of Government in regard to Public Borrowing . . . . . 5139—67

Motion *re*: Report of National Small Industries Corporation Private Limited . . . . . 5167—5216

Daily Digest . . . . . 5217—22

Consolidated Contents [August 17 to 29, 1959/Sravana 26 to Bhadra 7, 1881 (*Saka*)] . . . . . i—v

*N.B.*—The sign + marked above a name of a Member on Questions, which were orally answered indicates, that the Question was actually asked on the floor of the House by that Member.

## LOK SABHA DEBATES

4753

### LOK SABHA

Friday, August 28, 1959/Bhadra 6, 1881  
(Saka)

The Lok Sabha met at Eleven of the  
Clock.

[MR. SPEAKER in the Chair]

### ORAL ANSWERS TO QUESTIONS

#### Newsprint Factory, Nizamabad

+

\*866 { Shri Ram Krishan Gupta:  
Shrimati Ila Palchoudhuri:  
Shri Kunhan:  
Shri T B Vittal Rao:  
Dr. Ram Subhag Singh:  
Shri S. A. Mehdi:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No 2307 on the 8th May, 1959 and state

(a) the present stage of the proposal for the setting up of a newsprint factory at Nizamabad in Andhra Pradesh.

(b) whether any guarantee has since been obtained from the West German Firm,

(c) whether the negotiations with the above firm for the setting up of the newsprint factory at Nizamabad have since been finalised; and

(d) if so, the terms of the agreement?

The Minister of Industry, (Shri Manubhai Shah): (a) to (d). The  
192 LSD-1.

4754

report of the German Expert on the economic feasibility of the new process for the manufacture of Newsprint from bagasse is still awaited. It is expected very shortly.

Shri Ram Krishan Gupta: My question was about the guarantee. May I know whether this guarantee has been obtained or not?

Shri Manubhai Shah: The guarantee will depend upon the report of the Experts. Unless the technical examination reveals the feasibility of the practical process, the question of guarantee does not arise.

Shri Ram Krishan Gupta: May I know the details of this project, what is its capacity and the approximate expenditure to be incurred?

Shri Manubhai Shah: The capacity is 100 tons per day, that is, 30,000 tons of newsprint per year. The cost will be about Rs 6 crores to Rs. 8 crores of which more than half will be foreign exchange.

Shri Heda: So far as the economic feasibility is concerned, some quantum of it should have been there on the basis of which the scheme was undertaken. Now the question of guarantee remains. I would like to know whether there is any difference between the economic feasibility so far achieved and the economic feasibility expected to be achieved by the report that is awaited?

Shri Manubhai Shah: This, Sir, is a very new type of process. It is not the economic feasibility but the technical feasibility that we have to take into account. Whether bagasse could be converted by the new process

into newsprint or not is itself in doubt, and unless we are satisfied that such a large investment of Rs. 6 crores to Rs. 8 crores would be justified from the point of view of practicability of the process we cannot proceed further. The question as to whether we can make newsprint from bagasse or not is itself under examination.

**Shri S. A. Mehdi:** May I know what is the main reason for delay and when the report can be expected?

**Shri Manubhai Shah:** Nowhere in the world has newsprint been so far manufactured out of sugarcane bagasse. It is the first process invented by German technicians. We want to be sure that the process is really practicable and it will result in the production of newsprint from bagasse.

**Shri Nagi Reddy:** May I know whether any preliminary report was received from the German firm; if so, what are its contents?

**Shri Manubhai Shah:** No report has been received. As I said, it is still awaited, but we have received the latest news that within a few days or a week or more we may get the report.

**Shri Thirumala Rao:** Are we to understand from the reply of the hon. Minister that this process is being first experimented upon in India in this factory?

**Shri Manubhai Shah:** This is being experimented in Japan and Germany at the instance of the Government of India. Because we are short of the traditional raw material for newsprint, we want to try out whether the cellulosic material content of bagasse can be used or not. Therefore it is being tried in Germany as well as in Japan and not in India. If the process succeeds, it will be established in Andhra, Shakkarnagar.

**Shri Damani:** May I know whether the representatives of the West German firm visited our country and made a survey?

**Shri Manubhai Shah:** More than three times they have come. Then we wanted an independent expert of the German Government rather than the firm, and even that expert has come and gone into the matter. We are now awaiting a report.

**Shri Thirumala Rao:** Has it been produced in any other country on a commercial scale and proved to be a success before it is being experimented here on a commercial scale?

**Shri Manubhai Shah:** This is the first time that we are trying. The normal white printing paper and art paper are already being produced from Bagasse. It is quite on the cards that with the new process newsprint can be produced from bagasse. Small quantities have been produced in Germany and other countries. If we are satisfied on technical grounds, we will be the first country to establish such a plant, and if that comes up the potentialities of newsprint manufacture in this country would be enormous.

#### Bara Hoti Plateau

+

\*867. { **Shri Ram Krishan Gupta:**  
**Shri Radha Mohan Singh:**  
**Shri D. C. Sharma:**  
**Shri Vidya Charan Shukla:**  
**Shri Bhakt Darshan:**  
**Shri Nek Ram Negi:**  
**Shri Pahadia:**  
**Shri S. N. Ramaul:**

Will the **Prime Minister** be pleased to refer to the reply given to Starred Question No. 2337 on the 8th May, 1959 and state:

(a) whether the negotiations with the Chinese Government regarding the occupation of the Bara Hoti Plateau and other places situated on the border of Tibet adjoining Uttar Pradesh by the Chinese soldiers have since been concluded; and

(b) if so, the outcome thereof?

**The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):** (a) and (b). The negotiations have not yet been resumed.

**Shri Bani Krishnan Gupta:** May I know since when this area is under the control and occupation of the Chinese Government?

**Shrimati Lakshmi Menon:** It is neither under the control nor occupation of the Chinese.

**Shri D. C. Sharma:** May I know if the Government is aware of the approximate number of the Chinese soldiers who are stationed on this border between Tibet and U.P.?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** How can we say the numbers of Chinese forces on the other side? But at these places, that is, the Hoti border, thus far, in the past years I mean, small patrols have come—may be 10 20 25, 30 not more than that—and on our side also relatively small patrols of police have gone, there have been no large numbers involved anywhere.

**श्री भक्त दर्शन :** क्या यह सत्य है कि इन गनियो में बर्फ गलने के बाद जब हमारे सैनिक इस स्थान पर पहुँचे तो वहाँ पर चीनी सैनिकों का पता नहीं था ? क्या इसका मतलब है कि चीन सरकार ने अपना दावा वापिस ले लिया है ?

**श्री जवाहरलाल नेहरू :** जहाँ तक मुझे मालूम है इस समय पिछड़ी गनियो में जब हमारी पुलिस पार्टी वहाँ पहुँची तो वहाँ चीनी नहीं थे। यह सही है। लेकिन उसके मानी क्या है, यह तो मैं नहीं कह सकता हूँ।

**श्री राज कृष्ण सिंह :** एक वक्ता हाजिर क्या है, बारा होती-गब किस के कब्जे में है ? हम लोगों की पेंडेंट पार्टी वहाँ है या नहीं है ?

**श्री जवाहरलाल नेहरू :** यह-कहा, सच जान्य चाहिये कि यह जो गनली हिस्सा है, यह कोई बड़ा स्क्वयर बीच का है, बीच का यह गनली इलाका है और सैनिकों में वहाँ जा भी नहीं सकते हैं। यमिनो में वहाँ भेजें, बकरिया बगैरह चरने के लिये, ग्रेजिंग के लिये जाती हैं और व ज्यादातर तिब्बत की तरफ से जाती हैं क्योंकि इधर तो बहुत बड़े पहाड़ हैं। इस जगह इस बात हमारी उत्तर प्रदेश की पुलिस पार्टी बंदी हुई है और कोई नहीं है।

**Shri Vidya Charan Shukla:** The hon. Deputy Minister said that negotiations with the Chinese Government have not yet concluded May I know, whether we sent any letters to them; if so, whether those letters have been replied or even acknowledged by them?

**Shri Jawaharlal Nehru:** On this particular matter, I do not think many letters have been sent, maybe, perhaps, it might have been mentioned in some communication, but we had those discussions and they were adjourned saying that there will be a future meeting. Since then, as the House very well knows so many other things have happened, so many other developments have taken place that, that rather minor matter has gone into the background.

**श्री भक्त दर्शन :** पिछले वर्ष इरफ पडना जब प्रारम्भ हुआ और हमारी पुलिस के सिपाही बाकिष्ठ पाये, उसके बाद चीनी सैनिकों ने घा कर के वहाँ कब्जा कर लिया। मैं जानना चाहता हूँ कि क्या कोई ऐसी व्यवस्था की जा रही है कि अब के जाइनों में भी वहाँ पर हमारे सैनिक रह सकें ताकि अगर चीनी सैनिक जावें तो वे हटाये जा सकें ?

**श्री जवाहरलाल नेहरू :** इसको करने की मुझे कोई खास बजह तो मालूम नहीं होती है। या, यह सही कहते हैं कि पिछले वर्ष कोई बड़ा बर्फ बरसने में हमारे सैनिक

बापिल जा कये तो कुछ बोड़े से चीनी सिपाही सर्दी में भी जा कये। अब इसके सिवाय हम अपने लोगों को बहुत ज्यादा तकलीफ दें, वहाँ बिठा कर रहें सर्दी में, बाढ़ों में, बाहिरा तीर पर तो मुझे कोई बात बजह मालूम नहीं देती।

**Shri Braj Raj Singh:** In reply to a previous question it was stated that negotiations shall be carried on with the Chinese Government on this, and now it is stated that the negotiations have not yet come to any conclusion. Are we to presume that the negotiations have now been abandoned?

**Shri Jawaharlal Nehru:** No, they have not been abandoned. May I say this in answer to the previous question, that it was decided at the time of those negotiations that no fully armed party should remain there and that that area of 1½ square miles should be considered, well, if you like, a neutral territory till a decision is made. So it is still pending a final decision. Our police party that is there has not, in accordance with that decision, taken even the normal arms which, I think, may be required to scare away wild animals, etc., because the decision was that no party, either Indian or Chinese, should go there with guns and the like.

**Shri Vajpayee:** May I know if the Government have any information in regard to the strength of the Chinese forces who occupy Bara Hoti and if there is any likelihood of further encroachment into our territory?

**Shri Jawaharlal Nehru:** I think I have answered that question. It was in Hindi which I think is sufficiently understood by the hon. Member.

**श्री जगत दर्शन :** कुछ दिनों पहले, जबकि ही या तीन वर्ष पहले, चीन की सरकार ने यह मान लिया था कि उस का एक प्रतिनिधि और भारत सरकार का एक प्रतिनिधि वहाँ पर जा कर इस किल्ले को खत्म कर देंगे। वे जानना चाहता हूँ कि चीन सरकार ने यह विचार खोद दिया है या अब भी वह अपना प्रतिनिधि भेजने को तैयार है।

**श्री जवाहरलाल नेहरू :** चीन की सरकार के प्रतिनिधि से बात चीत हुई थी, लेकिन वहाँ नहीं, दिल्ली में हुई थी। यह तकचीज उस में हुई थी कि वहाँ जा कर वे उसे देखें। लेकिन मेरी समझ में वह नहीं आता, और न अब ही समझ में आता है, कि पहाड़ की चोटियों पर बैठ कर कोई कैसे इस को तय करेगा। वहाँ कोई आबादी तो है नहीं। यह नक्श की बात है। उन के पास जो कागजात हों या हमारे पास जो रिपोर्ट्स हों उन से तय हो सकता है। वहाँ पर बैठ कर या पहाड़ों पर चूम कर यह कैसे तय होगा ?

**Shri Vidya Charan Shukla:** The hon. Prime Minister has just now said that it has been decided between the Government of China and the Government of India that no armed forces will be allowed at Bara Hoti plateau. If this plateau is within our boundary, may I know the reason why we accepted the condition of the Chinese that our forces also will not go there with arms?

**Shri Jawaharlal Nehru:** It is in our territory; nevertheless, it was a small disputed area. For three or four years, small groups, platoon of the Chinese and platoon of our forces sat there, both facing each other; not exactly coming into conflict but they were sitting there, both of them, and they were camping in the same place. We were discussing, according to the maps and charts what should be the future of this little strip. We agreed that neither party should sit in armed troops to occupy it while we were discussing it.

#### Loans for Land Development

\* 862. { **Shri Barman:**  
**Shri Subodh Hanada:**  
**Shri S. C. Samanta:**  
**Shri S. A. Mohanti:**

Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether there is any proposal to grant loans to State Governments for the acquisition and development



of land for sale to prospective house builders;

(b) whether this scheme has been accepted by the State Governments; and

(c) if so, which States have approached the Central Government for loans so far under this scheme?

The Deputy Minister of Works, Housing and Supply (Shri Anil K Chanda): (a) to (c) A Scheme for the bulk acquisition and development of land is being finalised. The details of the Scheme, together with the allocations to be made to them, will be communicated to the State Governments shortly.

Shri S. C Samanta: May I know whether, over and above this acquisition and development, houses will also be built and sold to persons?

Shri Anil K Chanda: It is really to provide loan assistance to the State Governments to acquire land for the purpose of housing.

Shri S. C Samanta: We are given to understand that 3½ per cent of interest will be charged within three years. May I know whether the State Governments take a long time to acquire the loans and, if so, whether three years will be sufficient?

Shri Anil K Chanda: Under the present scheme, it will not be three years, it will be spread out to eight years.

Shri S. A. Mehdi: May I know the amount sanctioned under this scheme?

Shri Anil K Chanda: The sanctioned amount would be about Rs 15 crores. The actual expenditure during the second Plan period will be about Rs 3 crores to Rs 4 crores.

Shri S. A. Mehdi: May I know whether the Government have earmarked about 50 acres near Moti Bagh to be requisitioned in this year or next year?

Shri Anil K Chanda: That is a different thing altogether. This is with

regard to the loan assistance to the State Governments.

Shri S. A. Mehdi: I am asking whether under this scheme the Government is taking over the land.

Shri Anil K. Chanda: As I said, it is not for any work to be done by the Central Government. It is just loan assistance to the various State Governments who want to acquire land on a large scale.

Shri Pahadia: May I know whether this scheme of acquisition and development of land for sale to prospective house-builders will be for the cities only or for the villages also?

Shri Anil K Chanda: It is mainly an urban scheme.

श्री अमल सिंह क्या मनी महोदय  
असलाने की कृपा करेंगे कि जो जमीन स्टेट  
हवर्नमेंट मकान बनाने वाली से लेगी वह नो  
प्राफिट नो लॉस बैसिस पर ही जायगी या  
इसे भी जायगी ?

Shri Anil K. Chanda: The details have not been worked out. But if it is for the benefit of co-operative house-building societies or for the subsidised industrial housing scheme, it will be on a no-profit-no-loss basis. But, if it is for some commercial or business purpose, it will not be on a no profit-no-loss basis.

Shri Anthony Pillai: May I know whether the scheme stipulates that a particular portion of land will be reserved for the industrial housing co-operatives?

Shri Anil K Chanda: It is for the states concerned to decide.

**Pakistanis in Jammu and Kashmir**

\*269 Shri D. C. Sharma: Will the prime Minister be pleased to state—

(a) the number of Pakistani nationals who crossed into Jammu and Kashmir State during 1980, so far, and were arrested;

(b) how these figures compare with the corresponding period of 1958; and

(c) the steps taken to check infiltration?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) During the first 7½ months of 1959, 161 Pakistan Nationals and persons from Pakistan-occupied Kashmir infiltrated into Jammu and Kashmir and were apprehended.

(b) The figure for the corresponding period of 1958 is 182.

(c) Steps are taken to check infiltration and this is clear from the number of infiltrators apprehended.

Shri D. C. Sharma: May I know whether the purpose of these infiltrations has been ascertained—whether they came to Kashmir to settle down there or whether it is for espionage purposes. If it is for espionage purposes, may I know what steps are being taken to stop this kind of infiltration?

Mr. Speaker: The reply has already been given. The question is whether steps are being taken to prevent this. Perhaps he wants to know the object of the infiltration—whether they come there to settle down permanently and create trouble or not.

Shrimati Lakshmi Menon: I have no information.

Shri D. C. Sharma: May I know if these cases are handled by the U.N.O. observers also and, if so, in what way do they help us in this matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I take it that the United Nations observers have nothing to do with individual civilians coming over legally or illegally. They have to deal with the military forces on either side.

Shri Hem Barua: May I know whether the Government can give us the figures of those people who were engaged actually in espionage, if at all,

out of those who have infiltrated into Kashmir and have been apprehended so far?

Shri Jawaharlal Nehru: If the Government had that figure it could not give it. I have not in any way heard of Government giving public information of what they know about espionage.

श्री रघुनाथ सिंह: मैं यह जानना चाहता हूँ कि यह लोग अभी हिन्दुस्तान में हैं या फिर पाकिस्तान वापस भेज दिये गये।

श्री जवाहरलाल नेहरू: यह तो मैं नहीं कह सकता। बात यह है कि उन में से कुछ लोग शायद शराब के इरादे से आते होंगे। लेकिन अक्सर लोग आते हैं मजदूरी के लिये कि इस तरह हालात जग जवाबदायगी है, उधर तकलीफ ज्यादा है। और अगर रास्ता बोल दिया जाय तो शायद बहुत से लोग आने लगे उधर से। तो कुछ कमी भेज दिये जाते हैं, कुछ शायद छोड़ भी दिये जाते हैं। यह काश्मीर की हकूमत की सर्वोपरि है।

#### Heavy Engineering Corporation

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\*870 { Shri S. C. Samanta:  
Shri Subodh Hansda:

Will the Minister of Commerce and Industry be pleased to lay a statement on the Table showing the progress made so far by the Heavy Engineering Corporation Limited?

The Minister of Industry (Shri Manubhai Shah): A statement is placed on the Table of the House.

#### STATEMENT

The Heavy Engineering Corporation was registered under the Companies Act on 31st December, 1958, with an authorised capital of Rs. 80 crores, of which Rs. 10 crores have been issued and Rs. 90.04 lakhs have been paid up so far to start with. All the shares in the company are owned by

the President of India or his nominees. The affairs of the company are managed by a Board of Directors nominated by the President consisting of a Chairman and 8 Directors. The present Board comprises of officials only. Government intend to strengthen the Board further by appointment of more Directors in due course

2. The company has at present three Projects for implementation, namely, the Heavy Machine Building and Foundry/Forge Projects at Ranchi and the Coal Mining Machinery Project at Durgapur. Besides, the work relating to the Optical and Ophthalmic Glass Plant at Durgapur has also recently been entrusted to the company for the time being

3. The Detailed Project Reports for the Heavy Machine Building, Coal Mining Machinery and Optical and Ophthalmic Glass Plants have since been received from M/s Technoexport of Moscow. The Project Report for the Coal Mining Machinery Plant has since been considered and accepted. The other two project reports are at present under scrutiny. The detailed project Report for the Foundry/Forge Plant is expected to be received from M/s Technoexport of Czechoslovakia by about the middle of November, 1959

4. Preparatory work is in progress at Ranchi and Durgapur with regard to the acquisition of land, levelling and dressing of the plant site, construction of field offices, staff quarters, hostels, godowns, storage houses, supply of water, electricity, etc

Shri S. C. Samanta: May I know whether any contract has been signed for technical and financial assistance with the Technoexports and the Government?

Shri Manubhai Shah: As the hon Member is aware, a 500 million rouble credit agreement has been signed, and under that a schedule has been laid down for the preparation of the various technical project reports and execution of the scheme

Shri S. C. Samanta: May I know whether the renowned consultant firms in this country have been asked to give their advice and help?

Shri Manubhai Shah: As the House is aware, much before this project was contemplated, we had set up a technical committee under the chairmanship of Shri J. J. Gandhi and subsequently also we had our own experts who discussed with the Soviet team. Now that Soviet collaboration is necessary, no further consultations of a technical nature are necessary. As a matter of fact, the House will be glad to know that we have decided to double up the capacity of the Ranchi project and also double up the capacity of the Durgapur mining machinery project

#### Industrial Survey of Delhi

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\*572 { Shri Ram Krishan Gupta:  
Shri R. C. Majhi:  
Shri Subodh Hanada:  
Shri S. C. Samanta:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No 4265 on the 8th May, 1959 and state the progress made so far in undertaking an industrial survey of the Union Territory of Delhi?

The Minister of Industry (Shri Manubhai Shah): The questionnaire for the industrial survey has since been finalised. Further action is being taken in the matter

Shri Ram Krishan Gupta: In reply to a previous question, the hon Minister said that the details of the budget provisions have been worked out. May I know what are those details?

Shri Manubhai Shah: The budget provision is about Rs 26 000

श्री अमृत वर्मा : मैं यह जानना चाहता हूँ कि इस तरह का औद्योगिक सर्वेक्षण केवल दिल्ली में किया जा रहा है या और कहीं भी किया जा रहा है और यदि हाँ तो यह कब के किन किन नगरों में किया जा रहा है ?

जी कबुवाई जाहू : यह तो ३६ जगह हो चुका है। जहां जहां से डिमांड जाती है वहां पर करते हैं और उन सब की रिपोर्ट जी मेम्बर साहबान को भेजी जाती है, स्टेट गवर्नमेंट्स को भेजी जाती है और उन पर गवर्नमेंट्स द्वारा एक्शन भी लिया जाता है।

**Shri Vajpayee:** May I know if there is any proposal to extend the industrial estate at Okhla and if so, the details thereof?

**Shri Manubhai Shah:** This, of course, does not arise out of this. But I am glad to say that Government have decided to extend the Okhla industrial estate by constructing another 180 to 200 industrial sheds at a cost of about Rs. 2 crores. It will be completed in the next two years

#### Aluminium Factory in U.P.

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- \*873. { **Shri Vidya Charan Shukla:**  
**Shri Ram Krishan Gupta:**  
**Shri S. M. Banerjee:**  
**Shri Jagdish Awasthi:**  
**Shri Bhakt Darshan:**  
**Shri Kalika Singh:**

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No 2224 on the 5th May, 1959 and state—

(a) whether Government have received a detailed project report in connection with the setting up of an Aluminium Factory in U.P

(b) if so, the details thereof, and

(c) the progress made so far in regard to the above project?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (c) The proposal for the Aluminium Plant at Rihand has already been approved in principle. Shri G D Birla is negotiating with M/s Kaiser Engineers of U.S.A. an agreement for capital participation and technical collaboration for the project. A dollar loan from the Export Import Bank of U.S.A. and other credit arrangements are being negotiated by the parties.

**Shri Vidya Charan Shukla:** May I know whether there was a proposal to locate the ALMUNA plant near the bauxite deposits and if so, at what stage that proposal is?

**Shri Manubhai Shah:** We are having consultations with the technical experts and Kaisers to see if it is more practicable to put the aluminium hydrate plant in Madhya Pradesh, in which the hon. Member is interested.

**Shri Vidya Charan Shukla:** May I know if it is a fact that there is limited supply of electricity at Rihand and if so it may not be possible to extend the aluminium plant over the capacity of 20,000 tons that has been fixed at present?

**Shri Manubhai Shah:** Originally the idea was to have a capacity of 10,000 tons. Then we decided to increase the capacity to 20,000 tons. The electricity available from Rihand is quite adequate for 20,000 tons, which is considered to be an economic unit. As the country advances, there is every reason to believe that more electricity would be generated in that part of U.P. and the proposed project can go ahead with greater capacity.

**Shri Ram Krishan Gupta:** May I know whether the negotiations between this party and U.P. Government have been concluded and if so, what is the result?

**Shri Manubhai Shah:** These negotiations are of a continuous nature. I myself had the privilege of visiting U.P. three times to discuss the formalities. Much of the preliminaries have already been finalised. There are so many questions coming up from time to time that we have got to remain in constant touch with all concerned.

**Shri S. M. Banerjee:** The hon. Minister said that Shri Birla had negotiations with the foreign firm and he has submitted a plan to the Government. May I know the main features of the plan?

**Shri Manubhai Shah:** These features will be made known when the

Final approval is given. Broadly speaking, it is a 20,000 ton project requiring between Rs. 18 crores to Rs. 20 crores with equity capital outlay of Rs. 6 crores. The equity capital will be held by Birlas, Kaisers and the public.

**Shri Jadhav:** Is it a fact that more aluminium plants will be started in other States, and if so, whether Kolhapur will also be included?

**Shri Manubhai Shah:** There is the greatest scope for the aluminium industry. We are one of the richest countries in bauxite in the world. Given proper supply of electricity, there is no reason to believe that many States will not share the honour of having aluminium plants.

**श्री जयसिंग वर्मा :** श्रीमान्, माननीय मंत्री ने बतलाया कि बिड़लाज और कैसर कम्पनी से बातचीत चल रही है तो मैं जानना चाहता हूँ कि यह बातें कब तक होती रहेंगी और ठोस काम होना कब शुरू होगा।

**श्री मनुभाई शाह :** बातें तो अब प्रायः खत्म हो चुकी हैं और काम शुरू होगा। कन्ट्रैक्ट पर दस्तखत हो चुके हैं और स्कीम तैयार हो गई है और मैं समझता हूँ कि दो, तीन साल के बाद निर्माण कार्य भी होने लगेगा और उत्पादन भी शुरू हो जायेगा।

**Shri Feroze Gandhi:** May I know whether the attention of Government has been drawn to the fact that the capital cost of Rihand, from which power will be supplied for this project, is about Rs. 46 crores and more than 50 per cent of the power to be generated at Rihand will be supplied to this factory. That means a capital cost of Rs. 23 crores? May I know whether Government had examined the economy of this entire scheme?

**Shri Manubhai Shah:** We have very thoroughly gone into this question with the U.P. Government and the C.W.P.C. It is true—not 50 per cent as suggested by the hon. Member...

**Shri Feroze Gandhi:** More than that; 60 per cent.

**Shri Manubhai Shah:** ... but I think it is about 35 to 40 per cent when the whole scheme goes into operation. It will be requiring in the beginning about 25,000 KW, which will go up to 43,000 KW. It is also true that this will be a very major industry in U.P. giving employment—in the principal production as well as in the ancillaries—to over 25,000 people. Taking all questions into consideration, the Government of India and the U.P. Government came to the conclusion that it is a very good enterprise.

**Shri Feroze Gandhi:** My question was, because the capital cost comes to Rs. 23 crores, whether Government has considered the entire economy of this project.

**Shri Manubhai Shah:** As a matter of fact, when Rihand was planned originally, it was not to produce power for the aluminium plant. I have no doubt that the C.W.P.C. and the Planning Commission, which sanctioned the Rihand project, had worked out the details to the fullest extent. It is one of the economic projects. The other point which arises is whether the entire cost of the project should be borne by one State or by the two States which share it. It is a matter which is already under the consideration of the Government of India whether a portion of the cost of the Rihand project, which goes to irrigate about 600,000 acres of land... (Interruptions) I am only mentioning that the cost is not to be put on the electricity alone; a portion of the cost has got to go into irrigation. That is under consideration, because 600,000 acres of land are likely to be irrigated in the adjoining portion of Bihar. That, of course, is a matter of detail, but even if we take that the entire cost is to be borne for electricity, it is quite economic and the aluminium plant will provide a very big base load, as it is called, and improving the load factor by at least 10 to 20 per cent.

**Shri Vidya Charan Shukla:** What will be the production cost per KW?

from the Rihand project and at what cost will electricity be supplied to this proposed aluminium factory and whether that will be economic?

**Shri Manubhai Shah:** The cost will be worked out by the U.P. Government. It is more or less going to be economic in the sense that it will not be too high for the production of aluminium. It is going to be fixed at Rs. 150 to Rs. 160 per KW year and it will not be uneconomic to the Rihand project. The aluminium plants and electro-chemical plants all over the world are based on a little amount of loss even, if necessary, to the main generating station. But fortunately here it may not entail much loss.

**श्री रघुनाथ सिंह :** जिस समय यह हमारे रिहान्द डैम की स्कीम हुई थी उस वक्त बड़े जोरों के साथ कहा गया था कि उत्तर प्रदेश के जो साधारण लोग हैं उनके फायदे के वास्ते यह स्कीम है लेकिन अब जाहिर होता है कि फिकटो परसेंट तो अलमिनियम प्लांट ले लेगा और ४० परसेंट बिजली रेलवेज ले लेगी तो मैं जानना चाहता हूँ कि जिस जनता का रुपया है उसको इसमें से कितनी परसेंट बिजली प्राप्त होगी ?

**श्री मनुभाई साहू :** अब रेलवेज के लिये तो पहले से यह तय हो चुका था । अब अलमिनियम प्लांट को जो पावर देने की बात है तो उससे तो और उनको जो ऐंसी लिफ्टीज है वे वहाँ के लोगों को इतना ज्यादा एम्पलायमेंट देंगी कि उसके लिये यह खर्च करना बहुत जरूरी है और लाजिमी है । मैं समझता हूँ कि इसके अलावा और भी बिजली पैदा की जावेगी और छोटी छोटी इंडस्ट्रीज के लिये भी वहाँ से बिजली मिलेगी ।

**Mr. Speaker:** Next question. **Shri Raghumath Singh.**

**श्री रघुनाथ सिंह :** सवाल यह है कि यह केवल १० परसेंट है ....

**अध्यक्ष महोदय :** हम जानते हैं ।

But I have called, the next question. I thought that this aluminium plant is in the interest of U.P. Otherwise, Madras or some other State will take away the aluminium factory. Andhra will take it away. I was really surprised at all these questions.

**श्री किरोड गांधी :** मैं मंत्री जी से यह जानना चाहता हूँ कि यह जो १५ करोड़ को कंपीटल कास्ट का कारखाना है इसके लिये २३ करोड़ को कंपीटल कास्ट का पावर प्लांट लेवेगा, तो क्या यह इकानामिकल रहेगा ?

**श्री मनुभाई साहू :** बिल्कुल इकानामिकल रहेगा जो । आखिर मैं हूँ ही इंडस्ट्रीज में १:१ में ज्यादा इनवेस्टमेंट प्राइविटी की का रेजियाँ नहीं होता । इस एल्यूमीनियम प्लांट से जो उत्पादन होगा और उसकी जो एंमिलियरोज बनेंगी वह इसमें भी ज्यादा कीमत को बनेंगी । फिर १५ करोड़ की कंपीटल कास्ट का हाँ मेम्बर साहब न देखें । वह यह भी देखें कि इसमें कितनी सारी और चीजें पैदा होंगी, हिन्दुस्तान के लिये इससे कितनी मम्पति पैदा होगी, इसमें लोगों को कितना एम्पलायमेंट मिलेगा । इन सारी चीजों को भी देखें । आप देखें कि रांची के हैवी इंडस्ट्रीज के कारखाने में ६०, ७०, ८० करोड़ को मशीनें बनेंगी जब कि कारखाना १५० करोड़ का है । इसी तरह से हिन्दुस्तान एंटीबायोटिक्स में है । इसी तरह से हैवी इलेक्ट्रिकल्स भोपाल में जिसमें ६५ करोड़ खर्चा लगेगा और २० या २५ करोड़ की मशीनें बनेंगी । इतना हम कह सकते हैं कि जहाँ तक इस एल्यूमिनियम प्लांट का सवाल है यह हिन्दुस्तान के अन्दर अम्बल दरजे का प्लांट बनेगा ।

**श्री किरोड गांधी :** इसमें एल्यूमिनियम को कितना प्रोडक्शन होगा ?

**श्री मनुभाई साहू :** इसमें जो एल्यूमिनियम बनेगा उसमें साढ़े ६ हजार टन इलेक्ट्रोफिटिक

काठमांडू स्थित विद्युत विभाग द्वारा जिसकी हिन्दु-  
स्थान की संसद द्वारा जकारण है।

**Shri Vidya Oharan Shukla:** Is it not a fact that the MP Electricity Board submitted a proposal through the MP Government, offering to give electricity at cheaper rates than what is going to be obtained from the Rihand Project?

**Shri Manubhai Shah:** That is precisely the point which you, Sir, very kindly mentioned. There are more than one State which are competing for the aluminium plant and it is a good luck for that part of the State of Uttar Pradesh which has no heavy industries as we try to locate it there. But I can assure hon. Members from other States also that as the plants go on expanding we may produce more and more aluminium in as many States as possible.

#### Manufacture of Paper

\*874 **Shri Raghubunath Singh:** Will the Minister of Commerce and Industry be pleased to state whether the experiment to manufacture paper from Chirwood pulp which is abundantly found on the other Himalayas and Shevalik range of mountain has been found to be successful?

**The Minister of Industry (Shri Manubhai Shah):** No experiment to manufacture paper from Chirwood pulp (Twisted Pine) is necessary as this material is an accepted raw material for the production of paper.

श्री रघुनाथ सिंह: मैं यह जानना चाहता हूँ कि उत्तर प्रदेश में और हिमाचल प्रदेश में जो इस प्रकार के वृक्ष हैं उनका उपयोग और किसी प्रकार से भी हो सकता है या नहीं अगर पेपर के लिये नहीं हो सकता?

श्री मनुभाई शाह: पेपर के लिये तो उसका उपयोग होना ही, लेकिन वह और कामों में भी जा सकता है जैसे कार्ड बोर्ड,

प्लेन बोर्ड और ग्लास बुक बर्नरह बनाने में। हमारा इरादा है कि इस किस्म का जितना संभव हो सके उसका पूरा इस्तेमाल किया जाये।

#### Export of Tea

\*876. { **Shri M. B. Thakore:**  
**Shri Jaipal Singh:**  
**Shri Shanja Deo:**

Will the Minister of Commerce and Industry be pleased to state—

(a) whether it is a fact that the tea exports from North-East India fell considerably in February, 1959; and

(b) if so, the reasons therefor?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):**  
(a) Yes, Sir.

(b) The decline was due to heavy accumulation of stocks in the London warehouses. Heavy internal buying during the month also contributed to the decline in exports.

**Shri M. B. Thakore:** May I know the total export of tea to United Kingdom and USSR in the years 1958 and 1959?

**Shri Satish Chandra:** From January to May 1958 the exports to UK were 90.8 million lbs. In 1959, in the first five months exports were 53 million lbs. To USSR from January to May 1958, they were 5 million lbs and for the corresponding period in 1959 about 9 million lbs.

**Shri Vajpayee:** Is it not a fact that as a result of decline in export of tea, the tea growers all over the country and especially in Andhra, are facing a serious crisis?

**Mr. Speaker:** Tea growers in?

**Shri Vajpayee:** Andhra.

**Mr. Speaker:** Andhra?

**Shri Vajpayee:** I am sorry, in Assam I was confusing tea with tobacco.

**Shri Satish Chandra:** Regarding the tea growers...

**Mr. Speaker:** If the hon. Member has confused tea with tobacco, why should that be answered?

**Shri P. C. Boroach:** Is it a fact that the export of tea up to July 31st is lower by 40 million lbs as compared to the previous year?

**Shri Satish Chandra:** Yes Sir That is so The main decline was in the earlier months of January to May From June the position has improved In fact, in the month of June 1959 the exports were higher by 5 million lbs as compared to the previous year In July also the position is better But I may admit that the exports are not likely to be as high as they were last year

**Shri Hem Barua:** The hon Minister has mentioned the reasons for the decline in the export of tea May I know whether it is a fact that the foreign demand for tea, at least for common tea, is withering off due largely to competition, particularly from East Africa? If that is so, what steps do the Government propose to take to improve the market for this tea?

**Shri Satish Chandra:** All possible steps have been taken during the last year like reduction or adjustment of tariffs, customs duty and excise duty, starting tea promotion campaigns in foreign countries etc The situation is not as bad as is commonly imagined In 1958 we did quite well in the matter of export of tea and the present trend is also satisfactory There were lesser exports in the first 4 or 5 months, because there was heavy accumulation of stocks in London due to heavy buyings towards the end of 1958

**Shri B Das Gupta:** May I know whether some packages of tea intended for export were examined at Calcutta and found adulterated?

**Shri Satish Chandra:** This question was put on a previous occasion also and was answered. There might have been an individual case here or there,

but there are no such complaints on a large scale. An individual lapse might have been discovered by the Tea Board

**Shri B. Das Gupta:** It was found out in Calcutta. ...

**Mr. Speaker:** The hon Member will kindly bring it to the notice of the Minister.

जी जयदीन जयसूरी मैं यह जानना चाहता हूँ कि १९५८ तथा १९५९ में अपने देश से जो चाय का निर्यात हुआ उसमें हमको कितने विदेशी मुद्रा का धर्जन हुआ ,

जी लतीफ खान १९५८ में जो चाय का निर्यात हुआ वह करीब १२० करोड़ का था । ठीक फिगर इस समय मेरे पास नहीं है । १९५९ के फिगर अभी नहीं आये हैं ।

**Shri P. C. Boroach.** May I know whether it is a fact that the reduction of sales tax on tea by Ceylon by 50 per cent has resulted in an increase of the export of that country which has adversely affected our exports?

**Shri Satish Chandra:** This reduction in tax in Ceylon took place very recently and since then our tea is in fact showing improvement

#### Rehabilitation Ministers' Conference

577. { <sup>r</sup>Shri Ajit Singh Sarbadi:  
Shri Hem Raj:

Will the Minister of Rehabilitation and Minority Affairs be pleased to state

(a) whether it is a fact that the Conference of the Rehabilitation Ministers of the States recently held at Srinagar expressed the opinion that the Rehabilitation Ministry should not be wound up; and

(b) if so, how far will it affect the decision of the Central Government to wind up the Ministry?



The Minister of Rehabilitation (Shri P. S. Naskar): (a) and (b). Yes, some of the Rehabilitation Ministers of the State Governments had expressed the view that the Ministry should not be wound up till the work for which it was set up is satisfactorily completed.

The Central Government does not disagree with this view, but it feels that the bulk of the work connected with the rehabilitation of displaced persons from West Pakistan will be completed by the end of the current financial year, after which period it should not be necessary to keep a separate Ministry going to look after that work. Any residuary problems could then be looked after by the permanent Ministries concerned at the Centre.

Shri Ajit Singh Sarhadi: In view of the fact that the Rehabilitation Ministry has to remain to deal with the eastern wing of India, why liquidate the western wing when some questions will remain as discussed at the Rehabilitation Ministers' Conference in Srinagar?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): There is no use keeping a ministry unless there are schemes to implement and funds to give away. My work in the western region in regard to the allotment of lands, building of houses, giving of loans, educational stipends and all that has been completed, while the position in the eastern region will be a little different. I am hoping that even in the eastern region we shall be able to close down the Ministry by the end of the next financial year.

Shri Ajit Singh Sarhadi: Is it not a fact that the view of the Rehabilitation Ministers was that it was difficult to complete the payment of compensation by the target date which was originally fixed. I mean the actual payment and not only the giving of statements of accounts.

Shri Mehr Chand Khanna: I believe the compensation work may

have to be extended to the next year. I have about 4,85,000 persons to pay and we have been able to settle the accounts of over four lakh claimants to whom compensation has to be paid in one form or the other. Even that work we should be able to complete by the end of this year. There may be a little residuary problems left.

Shri Bangshi Thakur: May I know whether Tripura was also represented in that conference? If so, who represented Tripura and what was his opinion?

Shri Mehr Chand Khanna: This conference was primarily convened to look into the residuary problems in the western region. I also invited the ministers of the eastern region with a view to see if some of the connected problems could be discussed with Ministers, for example, of Bihar and U.P. where we are sending displaced persons from East Pakistan. Tripura was represented through the Chief Commissioner of Tripura.

Shri Ajit Singh Sarhadi: If residuary problem pertaining to the western region remain after the 31st March, 1980, would they be kept with the Rehabilitation Ministry or would they be transferred to other ministries?

Shri Mehr Chand Khanna: When I asked my colleagues to enumerate the residuary problems they had hardly anything to say in the matter. Whatever the residuary problems are there, either we shall try to complete them before we go out of the picture or there are permanent ministries of the Government of India, like, Education, Health, Works, Commerce and Industry to whom all the residuary work will be transferred.

Shri Ajit Singh Sarhadi: I mean the residuary problems particular to rehabilitation and not other aspects, for example, payment of compensation, allotment issues, disputes that are pending before the Chief Settlement Commissioner and the like.

**Shri Mehr Chand Khanna:** The only major issue with which I am faced today is the payment of compensation. As regards the other issues, the work has been transferred to sister ministries during the last one year or two. I have said now that I am hoping to complete the compensation work by the end of this year and if there is any flow over that would be looked into next year.

**Shri Hem Barua:** In view of the fact that the Government proposes to wind up the Ministry by the end of the next financial year, am I to understand that the Government considers it possible that the refugee problem in the eastern wing might be resolved during this period and Dandakaranya might be ready to receive them?

**Shri Mehr Chand Khanna:** Though this question primarily concerns the western region, the eastern region has also come into the picture. I want to make a categorical statement. This Ministry was created to look after the needs of the displaced persons. We shall see that their needs are satisfied. But if there are needs of some parties or individuals, that I am not looking after.

**Shri Hem Barua:** I could not follow the reply.

**Mr. Speaker:** The answer is that the hon Minister will look after the refugees who have to be rehabilitated. If there are other persons who are not refugees he would not care.

**Shri Hem Barua:** But who wants him to rehabilitate us?

**Mr. Speaker:** Hon. Member evidently has created that impression. It may be wrong. Next question.

**Shri Hem Barua:** He cannot go beyond his limits.

**Nangal Fertilizers and Chemicals Ltd.**

\*578. **Shri Ajit Singh Sarhadi:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether there would be any arrangement for manufacture of by-

products at the Nangal Fertilizers and Chemicals Ltd., Nangal; and

(b) if so, the names of by-products and the quantity expected to be produced?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) and (b). In addition to fertilizer, the Hindustan Chemicals and Fertilizers Ltd will produce at Nangal 14.5 tons of heavy water per year. The possibilities of economic utilization of 85,000 tons of surplus oxygen are being explored.

Provision has been made in the design of the Air Liquefaction Plant for the recovery of Argon as a by-product.

**Shri Ajit Singh Sarhadi:** Is it a fact that the expense is in the production of by-products? The original expense which was budgeted for this purpose for the fertiliser factory was Rs. 22 crores.

**Shri Satish Chandra:** The capital of Hindustan Chemicals is Rs. 30 crores and the capital cost is about Rs. 28 crores.

**Hunger Strike by Displaced Persons in Dandakaranya**

\*580. **Shri Aurobindo Ghosh:** Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether it is a fact that some of the displaced persons rehabilitated in Dandakaranya went on hunger strike in May, 1959;

(b) if so, how many; and

(c) the reasons therefor?

**The Deputy Minister of Rehabilitation (Shri P. S. Naskar):** (a) Yes.

(b) Five.

(c) The main reason for the hunger strike was to protest against the reduction of wages paid to displaced persons employed on soil conservation work. The strike lasted for just one day and was thereafter satisfactorily settled.

**Shri Aurobindo Ghosal:** May I know whether the refugees of other camps also in Dandakaranya area had been on strike because the maintenance allowance was stopped and also the rate of soil conservation was reduced from Rs 2½/- to Re. 1½/-? May I also know whether it has been restored?

**Shri P. S. Naskar:** There was only one occasion for the hunger strike. As I have said in answer to the original question that was for the soil conservation work. Now the rate for soil conservation work has been fixed and the work is going on satisfactorily. There is no possibility of a hunger strike or any other strike by the D.Ps

**Shri Aurobindo Ghosal:** What steps are being taken by the Government to appoint more Bengali officers in important posts in the Dandakaranya scheme which has also been suggested by Shri Chakravarti, Secretary of the Congress organisation in his report to the Congress President?

**Mr. Speaker:** Is the hunger strike due to that?

**Shri Aurobindo Ghosal:** That was also a cause for dissatisfaction

**Mr. Speaker:** I am not going to allow communal considerations here.

#### Naomundi Mines

\*882. **Shri Panigrahi:** Will the Minister of Labour and Employment be pleased to state:

(a) whether Government is aware that as a result of mechanisation of Naomundi Mines by Tatas, more than five thousand mine workers will be rendered surplus there; and

(b) whether Government are taking any steps for providing them with alternative employment?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) Yes, nearly 5,000

workers are proposed to be retrenched in the Naomundi iron-ore mines of Messrs. TISCO w.e.f. 12-9-1950 due to mechanisation of the mines.

(b) At the intervention of this Ministry the Company have agreed to absorb about 2,000 workers in other employment. As regards the remaining 3,000 workers, the Ministry is exploring other avenues of employment for them

**Shri Panigrahi:** In how many mines this mechanisation is taking place in Bihar and Orissa? Is Government taking steps to see that all of them are employed elsewhere?

**Shri Abid Ali:** This question concerns Naomundi mines and I have explained the position

**Shri Panigrahi:** The Tatas have mines in other places also. So, I want to know whether they are introducing mechanisation in other places also.

**Shri Abid Ali:** If the hon Member gives separate notice, an enquiry will be made

**Shri S. M. Banerjee:** This question pertains only to Naomundi mines but it does pertain to mechanisation too. I want to know whether there is a serious threat of retrenchment in all the other mines due to mechanisation and what protection Government propose to give to those workers against the application of such labour saving devices.

**Shri Abid Ali:** So far as I am concerned, as I have said earlier, if notice is given about other mines, information will be collected and the needful will be done.

**Shri S. M. Banerjee:** The main question. . .

**Mr. Speaker:** I am not going to allow a small question relating to a single affair and a single place to be developed from time to time into an all-India question.

**Shri Narayanankutty Menon:** May I know whether the Government is satisfied in this particular case that all the conditions precedent that were agreed to at the 15th Indian Labour Conference have been fulfilled before mechanisation is allowed and effected?

**Shri Abid Ali:** It is not the function of the Labour Ministry so far as allowing mechanisation is concerned. They are concerned with the employment of workers. I have already said that because of our persuasion the company has agreed to absorb 2,000 workers. With regard to the others, we are trying that the TISCO itself may take them as far as possible in Jamshedpur and in other mines of theirs and that arrangements should be made for their alternative employment in other avenues. My colleague, the Parliamentary Secretary, Shri Mishra visited Jamshedpur in this connection. We are doing all that is possible in the matter.

**Shri Narayanankutty Menon:** My question is entirely different.

**Mr Speaker:** All right, let it stand as different. He has given an answer.

**Shri K. N. Pandey:** Is it a fact that the Union led by Mr John has served notice of strike that in case these workers were not taken to their work, there will be strike in all the mines owned by the Tatas?

**Shri Abid Ali:** It is true that Mr John has served strike notice that if this retrenchment is not stopped or alternative arrangement is not made for employment of these persons, there will be strike, perhaps token strike will be there in all the mines of Tatas and also in the Jamshedpur factory.

**Mr. Speaker:** Shri Narayanankutty Menon: let him make it clear.

**Shri Narayanankutty Menon:** My submission was that before retrenchment is effected in any mine, there is a certain agreement entered into at the Tripartite Labour Conference that certain conditions are to be fulfilled.

My question is whether the Government is satisfied that these conditions which are to be followed before retrenchment is effected in pursuance of mechanisation have fulfilled by the employers before retrenchment is effected in the mine?

**Shri Abid Ali:** Yes. This mechanisation started long before the agreement to which the hon. Member is making reference.

#### Reduction in the Price of Streptomycin

\*833. **Shri S. M. Banerjee:** Will the Minister of Commerce and Industry be pleased to state

(a) whether the price of streptomycin has recently been reduced, and

(b) if so, to what extent?

**The Minister of Industry (Shri Manubhai Shah):** (a) Yes, Sir.

(b) The price of a 1 gm vial is now 75nP as against Rs 1.25 on 31st October, 1958.

**Shri S. M. Banerjee:** With the reduction in price, may I know how it compares with the streptomycin imported from other countries?

**Shri Manubhai Shah:** It is based directly on the imported price of streptomycin because, as the House is aware, so far we have not started making streptomycin indigenously.

#### Indo-Pakistan Trade Talks

\*836 { **Shri P. C. Boroach:**  
**Shri Pahadia:**

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Pakistan has indicated its intention of buying cement from India; and

(b) if so, the nature and details of the deal?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) and (b). Yes, Sir. Pakistan has

recently accepted an Indian tender for 52,000 tons of cement.

**Shri P. C. Boroach:** Is it a fact that Pakistan called for global tenders and the Indian quotation was found most favourable?

**Shri Satish Chandra:** I said that Pakistan has accepted the Indian tender for 52,000 tons of cement, because our prices were favourable.

**Shri P. C. Boroach:** Is it a fact that in the past, there were instances when equally favourable Indian quotations were not accepted by Pakistan and they imported from costlier sources of other countries?

**Shri Satish Chandra:** It is true that Pakistan has imported certain quantities of cement from USSR and Yugoslavia against some barter arrangement, for exchanging goods for goods.

**श्री महाश्वेदी:** हिन्दुस्तान की किन किन सिमेंट फैक्टरियों से यह सिमेंट बाहर भेजा जाएगा और इससे हमें कितनी फारेन एक्सचेंज प्राप्त होगी ?

**श्री सतीश चन्द्र:** पश्चिमी हिन्दुस्तान में जो फैक्ट्रीज हैं, उनसे यह कराची को जाने वाला है। जाहिर है कि मौराष्ट्र, बम्बई इत्यादि के समुद्र तट पर जो फैक्ट्रीज हैं उनमें भेजने में आसानी होगी।

**श्री बाबूशेरी:** यह जो सिमेंट पाकिस्तान को दिया जाएगा, उसकी दर क्या होगी और हमारे देश में इस समय जो दर मंचलित है, उसकी तुलना में उसका रूप क्या होगा।

**श्री सतीश चन्द्र:** दर का बताना तो मुश्किल होता है। स्टेट ट्रेडिंग कारपोरेशन ये सीढ़ी करती है भलग भलग मुल्कों को एक्सपोर्ट होता है और हर एक से भलग भलग दर तय की जाती है। जैसा भाव चले, वैसी भांग हो, उसके मुताबिक दर तय होती है। इसलिए दर बताना मुनासिब नहीं होगा।

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**श्री बाबूशेरी:** क्या दर बताना पब्लिक इंटिरेस्ट में नहीं है ? दर बताना मुनासिब नहीं होगा, इसका क्या अर्थ है ?

**Mr. Speaker:** He says it is not possible.

**The Minister of Commerce and Industry (Shri Lal Bahadur Shastri):** It may be possible. Sometimes, it is not advisable also to disclose these rates, because we have to sell the same commodity to other countries and we may be in the midst of negotiations with other countries. Hence it is not advisable to disclose the arrangements.

**Shri Vajpayee:** We are entitled to know whether cement is not given to Pakistan to our loss.

**Mr. Speaker:** Is it at a loss that we are selling to Pakistan apart from a margin of profit?

**Shri Lal Bahadur Shastri:** It is not being exported at a loss so far.

**श्री रघुनाथ सिंह:** इस बात को देखते हुए कि पाकिस्तान की सीमेंट की हिस्ट्री बहुत अच्छी नहीं रही है, इसकी क्या गारंटी है कि जो सिमेंट आप देगे पाकिस्तान को, उसका रूपया वह आपको दे देगा ? आप रूपया ले करके सिमेंट देगे या उधार सिमेंट देगे और बा. में रूपया लेंगे।

**श्री लाल बहादुर शास्त्री:** अभी हाल ही में इसके सम्बन्ध में बातचीत हुई है और वहा के रिप्रिजेंटिव वहा आए थे। हमें कोई शक नहीं है कि सभी चीज का मूल्य हमें मिलेगा। जहा तक एक्सपोर्ट की बात होती है, हम कभी कभी नुकसान उठा कर भी बेच सकते हैं और बाद में सब बातें हाउस के सामने रख सकते हैं। कई बार सबसिडिडाइज करके भी बेचते हैं और वह इसलिए कि नया बाजार बनाना होता है ताकि आइदा उस चीज में ज्यादा प्रॉफिट हम कर सकें।

**क्रिकेट मैचों का आकाशवाणी से आँकों देखा हाल**

\*बदल. श्री भक्त बर्ज़न : क्या सुचना और प्रसारण मंत्री ३ अप्रैल, १९५९ के तारांकित प्रश्न संख्या १६५८ के उत्तर के सम्बंध में यह बताने की कृपा करेंगे कि क्रिकेट मैचों का आँकों देखा हाल हिन्दी तथा अन्य प्रादेशिक भाषाओं में प्रसारित करने के सुझाव के बारे में क्या निश्चय किया गया है ?

सूचना और प्रसारण मंत्री के संसद-सचिव (श्री आ० चं० जोशी) : इस मामले पर और विचार किया गया और अब आकाशवाणी के सारे केन्द्रों को आदेश दिया गया है कि वह उन प्रदेशों में महत्वपूर्ण क्रिकेट मैचों का आँकों देखा हाल हिन्दी तथा दूसरी मुख्य प्रादेशिक भाषाओं में प्रसारित करने का प्रयत्न करे।

श्री भक्त बर्ज़न : श्रीमन्, इस निर्णय के लिए शासन को धन्यवाद देत हुए मैं जानना चाहता हूँ कि यह निर्णय कब से लागू किया जाएगा ?

श्री आ० चं० जोशी : आगामी क्रिकेट सीजन से इसको लागू किया जाएगा, नवम्बर दिसम्बर से लागू किया जाएगा।

श्री भक्त बर्ज़न : मैं यह भी जानना चाहता हूँ कि हिन्दी और अन्य प्रादेशिक भाषाओं में से कौन कौन सी भाषाएँ छांटी जा रही हैं जिन में कि ये समाचार प्रसारित होंगे ?

श्री आ० चं० जोशी : भाल इंडिया रेडियो के स्टेशनों में कह दिया गया है कि वे अपनी लोकल रिजनल लैंग्वेज में वहाँ के जो इम्पार्टेंट मैचों हैं, उनको प्रसारित करें।

Liquid Rubber

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\*889. { Shri P. K. Deo;  
Shri B. C. Prodhan:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether liquid rubber is manufactured in India;

(b) if so, the firms which manufacture this rubber;

(c) what is the demand of liquid rubber in this country; and

(d) the steps being taken to step up its production?

The Minister of Industry (Shri Manubhai Shah): (a) No, Sir.

(b) Does not arise, in view of the answer to (a)

(c) There is no demand for Liquid Rubber at present in the country.

(d) In view of the position stated at (c) above, the need for any such steps has not arisen

Shri P. K. Deo: May I know if the latest process that has been developed in the National Chemical Laboratory for the manufacture of liquid rubber for casting of printing rollers has been leased out to any private firm and if so on what royalty?

Shri Manubhai Shah: It is under negotiation. This particular thing is for liquid rubber to be manufactured in India by some enterprise. The other process is still under negotiation

**Sale of Scooters**

\*889. Shri A. M. Tariq: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a firm of Delhi dealing in scooters, is demanding Rs. 200 as an advance for booking a scooter;

(b) if so, the total advance amount realised by the firm so far;

(c) whether any instructions have been issued to the firm not to accept an advance as has been done in the case of cars; and

(d) if so, whether the advance already realised is to be returned to individuals or the interest is proposed to be paid thereon?

The Minister of Industry (Shri Manubhai Shah): (a) to (d). A statement is laid on the Table of the House.

#### STATEMENT

In April 1959, the manufacturers of scooters in the country instructed their dealers (including the one at Delhi) to demand an advance of Rs 200 from intending purchasers of scooters. This was stated to have been done in the hope of deterring non-genuine purchasers from booking orders. In pursuance of these instructions, the Delhi dealer started collecting Rs 200 as advance with effect from the 1st May 1959. However, when this fact came to the notice of Government, they considered this amount excessive and advised the manufacturers on the 25th May, 1959, to issue instructions to all their dealers not to demand advance exceeding Rs 50 per vehicle and to return any sum taken in excess of this amount to the persons concerned.

It has been ascertained that the Delhi dealer started accepting Rs 50 only as an advance from the 25th May, 1959. It is hoped that the dealer will refund the excess.

श्री अ० मु० तारिक : मैं जानना चाहता हूँ कि क्या हकूमत के पास कोई ऐसी इतिला है कि जिन लोगों ने यह ज्यादा पैसा लिया गया था, उनको वह वापिस कर दिया गया है ?

[ मैंने सवाल पूछा था कि क्या सरकार के पास कोई ऐसी इतिला है कि जिन लोगों ने यह ज्यादा पैसा लिया गया था, उनको वह वापिस कर दिया गया है ? ]

श्री मनुभाई शाह : यही तो स्टेटमेंट में कहा गया है कि जो दो सौ रुपये वे उसमें से बंड़ ली रुपये वापिस करने की उनको हिदायत कर दी गई है ।

श्री अ० मु० तारिक : वापिस किये गये हैं या अभी नहीं किये गये हैं ?

[ वापिस किये गये हैं या अभी नहीं किये गये हैं ? ]

श्री मनुभाई शाह : जब इन्स्ट्रक्शंस भेज दी गई हैं तो वापिस करेंगे ही ।

श्री अ० मु० तारिक : अभी कल ही दिल्ली में स्कूटर्स के बारे में डंप्टी कमिशनर, दिल्ली का एक स्टेटमेंट आया था कि कुछ खानदानों के पास, कुछ फैमिलीस के पास २४-२४ और ३४-३४ स्कूटर्स हैं, बिना वन फैमिली । क्या इसके बारे में हकूमत इन्क्वायरी करेगी कि उन्होंने कैसे ये स्कूटर लिये हैं ?

[ अभी कल ही दिल्ली में स्कूटर्स के बारे में डंप्टी कमिशनर, दिल्ली का एक स्टेटमेंट आया था कि कुछ खानदानों के पास, कुछ फैमिलीस के पास २४-२४ और ३४-३४ स्कूटर्स हैं, बिना वन फैमिली । क्या इसके बारे में हकूमत इन्क्वायरी करेगी कि उन्होंने कैसे ये स्कूटर लिये हैं ? ]

Shri Manubhai Shah: I take the information from the hon. Member. I know of no family which has 20 or 30 scooters. If there is any, we will certainly enquire. Because, in a free country where there is no control, anybody can acquire any number of scooters. We are certainly wanting to see that nobody hoards them. If the hon. Member gives me specific information, I will be much grateful to him.

Shri A. M. Tariq: It was in yesterday's papers. The Deputy Commissioner has stated that there are a few families in Delhi which have 34, 24 and 28 scooters per family. It is in the papers.

Mr. Speaker: The hon. Member will kindly make enquiries.

श्री अमल बर्जान : मैं जानना चाहता हूँ कि यह जो पचास रुपये के बंदले दो सौ रुपये बसूल किया गया था यह कितने लोगों ने बसूल किया गया था ?

श्री मनुभाई शाह : कोई एक हप्ता लोगों से बसूल किया गया था । यह खबर

की बोना-साइड तरीके से बहुत किया गया था। बहुत से लोग लायसाह अपने नाम दर्ज करा जाते हैं और उनके लिये स्कूटर रख लिये जाते हैं। लेकिन इससे जो स्कावट पड़ती है वह यह है कि जो सही आवदी है उनको भी विपक्ष होती है और सही आवदी को देने के लिए कहा गया था। अब दो ती रुपये इस छोटी सी चीज पर ज्यादा हैं, इस बाबत पचास रुपये कर देने की बात मानी गई है। हम समझते हैं कि जिन से पैसे ले लिए गए हैं, उनको जल्दी ही बाकी पैसे वापिस कर दिये जायेंगे।

श्री भक्त बर्तन : कितने लोगों से ले लिये गये थे, यह मैं जानना चाहता था ?

श्री मनुभाई शाह : मैंने कहा है कि कोई एक हजार आवदियों से लिये गये थे।

#### Small Inventions Development Board

\*891. Shri K. N. Pandey: Will the Minister of Commerce and Industry be pleased to state:

(a) whether the Small Inventions Development Board has given any assistance for inventions in small scale sector;

(b) if so, in what manner; and

(c) what are the results achieved so far in respect of such inventions and developments?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). The Board was set up towards the end of April, 1959, and has only just started its work. No assistance has so far been given by the Board.

Shri K. N. Pandey: May I know how long this Board will take to suggest anything so that fruitful results may follow from that?

Shri Manubhai Shah: We expect very fruitful results, because, the idea is to help small industrialists, artisans and craftsmen to benefit by the labours of research so that his inventive spirit grows on the one hand and the community gets the advantage of cheaper production on the other.

#### Orientation Course in Rural Housing

\*892. Shri S. A. Mehdi: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether an orientation course in Rural Housing was held at Roorkee recently;

(b) if so, how many trainees got training there;

(c) the amount spent thereon; and

(d) how many of them have been sent for Rural Housing Projects?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) Yes.

(b) Thirty one.

(c) No expenditure was incurred by the Government of India.

(d) All the trainees were already engaged in work relating to Rural Housing Projects, in the fields of planning, execution, research or training and they returned to their respective duties after the course.

Shri S. A. Mehdi: May I know whether any of these trainees have been sent to the community development blocks in the different States?

Shri Anil K. Chanda: They are people engaged in the research work on rural or village housing projects in the special wings attached to the Engineering colleges.

#### SHORT NOTICE QUESTIONS

12 hrs.

Mr. Speaker: Now, short notice question No. 4.

The hon. Prime Minister may try to answer all these questions together, because they are similar ones; he may do as he likes.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I shall answer them one after the other. I can hardly take them all together.



### Occupation of Ladakhi Territory by Chinese Forces

S.N.Q. { Shri Radha Mohan Singh:  
 No. 4. { Shrimati Ila Palchoudhuri:  
 { Shri P. C. Borooah:  
 { Shri Amar:  
 { Shrimati Madfa Ahmed:  
 { Shri Goray:  
 { Shri Vajpayee:

Will the Prime Minister be pleased to state:

(a) whether it is a fact that a portion of the Ladakhi territory has been recently occupied by the Chinese forces; and

(b) if so, the action taken in the matter?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). There is a large area in Eastern and North-Eastern Ladakh which is practically uninhabited. It is mountainous, and even the valleys are at a high altitude generally exceeding 13,000 ft. To some extent, shepherds use it during the summer months for grazing purposes. The Government of India have some police check-posts in this area, but because of the difficulties of terrain most of these posts are at some distance from the international border.

2 Some reports reached us between October, 1957 and February, 1958 that a Chinese detachment had crossed the international frontier and visited Khurnak Fort, which is within Indian territory. The attention of the Chinese Government was drawn to this, and they were asked to desist from entering our territory. They were also informed of our intention to send a reconnaissance party in that area. It may be mentioned that there is no physical demarcation of the frontier in these mountainous passes, although our maps are quite clear on this subject.

3. Thereafter, at the end of July, 1958, that is, last month, a small

Indian reconnaissance police party was sent to this area. As this party consisting of an officer and five others was proceeding towards the Khurnak Fort, it was apprehended by a stronger Chinese detachment on the 28th July, some miles from the border inside our territory. It appeared that the Chinese had established a camp at a place called Spanggur well within Indian territory.

4. On learning of this, a protest was immediately lodged with the Chinese Government of the violation of our frontier and the release of our reconnaissance party was asked for. In their reply, the Chinese claimed that that part of the territory was theirs, but added that they would release the persons who had been apprehended. We sent a further note to them expressing surprise at this claim and giving them the exact delineation of the traditional international frontier in this sector. We urged once again that the Chinese party well within our territory should be withdrawn. No reply has yet been received to this note. Our party was released on the 18th August.

Dr. Ram Subhag Singh: May I know whether this place is about fifteen miles within our territory and also whether this is the only place which is under occupation by the Chinese troops or they have occupied some other areas also?

Shri Jawaharlal Nehru: It is somewhat difficult to deal with this question as an adjunct to the main question. Of course, there have been some frontier troubles in two or three places widely separated; and it would be hardly correct to say that our area is under occupation of the Chinese, that is, under any kind of a fixed occupation. But their patrols have come within our territory two miles or three miles or thereabouts. That is our knowledge, so far as we know.

Shri P. C. Borooah: Has the attention of the Government been drawn to the news item published in the Assam Tribune of 28th inst. that one

thousand Chinese troops equipped with the most modern weapons entered Indian territory in the NEFA, and the Chinese flag had been hoisted there?

**Mr. Speaker:** The main question refers to Ladakh.

**Shri Goray:** On this issue, there is an adjournment motion.

**Mr. Speaker:** That is all right; but that does not refer to Ladakh. There is no meaning in expanding a particular question

**Shri Jawaharlal Nehru:** May I say that there is likely to be very considerable confusion if we mix up these various areas?

**Mr. Speaker:** I have got an adjournment motion here on that, and I shall presently be asking the hon. Prime Minister as to what he has to say on that

**Shri Jawaharlal Nehru:** What the hon. Member has just referred to is an entirely different area, and the statement in the Assam Tribune is entirely wrong, if I may say so

**Mr. Speaker:** Hon. Members will kindly confine themselves to the occupation of the Ladakh area. There are other questions with respect to the other areas, and we shall come to them.

**Shri Goray:** May we know whether the Chinese had built a road across this territory joining Gartok with Yarkand and whether this road has been there for the last year or so? It passes through the Ladakh territory

**Shri Jawaharlal Nehru:** Yes, that is in northern Ladakh, not exactly near this place but anyhow in the Ladakh territory.

About a year or two ago, the Chinese had built a road from Gartok towards Yarkand, that is, Chinese Turkestan; and the report was that this road passed through a corner of our north-eastern Ladakh territory.

The House will appreciate that these areas are extraordinarily remote, almost inaccessible, and even if they can be approached, it takes weeks and weeks to march and get there.

In that connection, a reconnaissance party was sent there. I cannot exactly say when, but I think it was a little over a year ago, some time last year; I could give the exact date, but that is immaterial here; this reconnaissance party was sent there. In fact, two parties were sent; one of them did not return and the other returned

**An Hon. Member:** What happened to them?

**Shri Jawaharlal Nehru:** When it did not return we waited for it for two or three weeks, because these were remote areas. When it did not return, we suspected that it might have been apprehended or captured by Chinese authorities on the border.

So, we addressed, the Chinese authorities, this was more than a year ago; we addressed them about a month after this incident, and they said, yes, some of our people had violated their border and come into their territory, and they had been apprehended, but because of their relations with us etc. they were going to release them, and they did release them afterwards, that is, after they had been with them about a month or so. That is concerning this road about which the hon. Member was enquiring. In all this area, there is no actual demarcation. So far as we are concerned, our maps are clear that this is within the territory of the Union of India. It may be that some of the parts are not clearly demarcated or anything like that. But obviously, if there is any dispute over any particular area, that is a matter to be discussed.

I may say that this area has nothing to do with the MacMahon Line. The MacMahon Line does not extend to the Ladakh area, it is only on the other side. This was the boundary of the old Kashmir State with Tibet

and Chinese Turkestan. Nobody had marked it. But after some kind of broad surveys, the then Government had laid down that border which we have been accepting and acknowledging.

**Shri Goray:** Does it mean that in parts of our country which are inaccessible, any nation can come and build roads and camp there? We just send our parties, they apprehend the parties and because of our good relations, they release them. That is all? The road remains there, the occupation remains there and we do not do anything about it.

**Shri Jawaharlal Nehru:** I do not know if the hon. Member expects me to reply to that. There are two or three types of cases here. These are border and frontier questions. In regard to some parts of the border, there can be no doubt from any side that it is our border. If anybody violates it, then it is a challenge to us. There are other parts regarding which it is rather difficult to say where the immediate border is, although broadly it may be known. But it is very difficult even in a map to indicate it, if a big line is drawn, that line itself covers three or four miles, one might say, in a major map. Then there are other parts still where there has been no demarcation in the past. Nobody was interested in that area. Therefore, it is a matter now—it should be a matter—for consideration of the data etc. by the two parties concerned and decision taken in a normal way, as and when there is some kind of a frontier dispute.

In this particular matter, we have been carrying on since then our correspondence, concerning this particular North-East area, and suggesting that this should be considered by the two Governments.

**Shri Vajpayee:** The hon. Prime Minister just now said that if anyone occupies our territory, it is a challenge. May I know what positive steps are being taken, or have been taken, to

enforce security measures on this border area?

**Shri Jawaharlal Nehru:** Which border area?

**Mr. Speaker:** The Ladakh area. All the questions now will be confined to this area.

**Shri Jawaharlal Nehru:** There are thousands of miles of border. The hon. Member should be a little more specific in his question. If he is referring to this particular corner, the Achin area, that is an area about some parts of which, if I may say so, it is not quite clear what the position is. It is not at all that particular area. About other area, the position is quite clear. The difficulty comes in regarding some places where there is no absolute certainty about it, in other places, we are quite clear and certain about it. The border is, I believe, 2500 miles long.

**Shrimati Mafta Ahmed:** May I know whether Government's attention has been drawn to a statement of the President, 'Azad' Kashmir, blaming India for the Chinese occupation of Ladakh and urging the Security Council to take over the responsibility of the frontiers of Jammu and Kashmir? If so, what is the reaction of Government to that?

**Shri Jawaharlal Nehru:** I believe I did hear about it. I attach no importance to it.

**Dr. Sushila Nayar:** I would like to know if these troubles on the border are over the same areas of our territory which the Chinese had indicated as their territory in their maps, and if so, the implication thereof.

**Mr. Speaker:** Any further encroachments within the limits of the map?

**Shri Jawaharlal Nehru:** This particular question that I answered related to one area. There are other areas too where we have had, and we are, in fact, having, some trouble now. I

do not want to mix it up with this. Then there will be confusion in one's mind. This is a frontier of over 2,000 miles.

**Shri Vajpayee:** What is the use of repeating that it is a long frontier? Are we not in a position to defend it?

**Mr. Speaker:** Order, order. No harsh words need be used.

**Shri Jawaharlal Nehru:** I was only venturing to say that by putting two or three places together, there would be confusion in the Members' minds. Let us take them separately so that they may be separate compartments. There is no question of defence or not. For instance take the Assam Tribune's statement. There is utter confusion in the Assam Tribune's mind about various territories which are thousands of miles apart which have nothing to do with each other. It has lumped them up and said—I believe in the statement in the Assam Tribune—that 1,000 Chinese came over the Nathula Pass in the Kameng Frontier Division. It shows utter confusion in the mind of the writer of this. He does not know his geography, although he lives in Assam. It has nothing to do with it. The Nathula Pass is between Sikkim and Tibet and nothing has happened there. Nobody has come across there. It is said that a thousand men came there and put up the Chinese flag. It is completely baseless—I am referring to the statement so far as Nathula Pass is concerned. So far as I know, I have not heard of a Chinese flag being hoisted anywhere there.

As I was saying, there have been cases, and there are continuing cases in one or two places, of Chinese aggression. Therefore, I want to keep these separate so as not to produce confusion in the mind of hon. Members here. If this question is over, I shall proceed to the other question and deal with as they come.

**Mr. Speaker:** I thought the hon. lady Member wanted to know if any portion of Ladakh is included in the

map prepared by the Chinese Government and if this is beyond that line even with respect to Ladakh. That was that I thought when I allowed the supplementary.

**Shri Jawaharlal Nehru:** The Chinese Government's maps are on such a small scale and in broad splashes that some parts of Ladakh appear to be included in them. But they are not accurate enough. What we are discussing, and the question which I have answered, relates to about two or three miles. Two or three miles are not visible in those maps. But it is a fact that part of Ladakh is broadly covered by the wide sweep of their maps.

Some Hon Members rose—

**Mr. Speaker:** Next question.

**Shri Braj Raj Singh:** May I know if the camps that have been put up by the Chinese have been removed?

**Mr. Speaker:** Order, order. Next question.

#### Chinese Propaganda about Bhutan and Sikkim

S.N.Q. { Dr Ram Subhag Singh:  
No. 5 { Shri Raghubir Sahai:

Will the Prime Minister be pleased to state:

(a) whether Government of India have seen reports in the press about Chinese propaganda in Sikkim that Bhutan and Sikkim were part of Chinese territory in the past and are bound to return to the Chinese mother-land within the next few years; and

(b) if so, what action Government of India propose to take to remove the anxiety created by these reports among the people of Sikkim and Bhutan and border territories in India?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) and (b). We have seen

occasional reports in the press to the effect mentioned by the hon. Member. It is not possible for us to check up the authenticity of these reports. Such reports are naturally causing concern to the people of Sikkim and Bhutan and elsewhere in the border regions of India. Our position is quite clear. The Government of India is responsible for the protection of the borders of Sikkim and Bhutan and of the territorial integrity of these two States and any aggression against Bhutan and Sikkim will be considered as aggression against India.

**Shri Hem Barua:** May I know whether the Governments of Sikkim and Bhutan have by now apprised our Government of the situation obtaining there? The Prime Minister said that he has seen only newspaper reports.

**Shri Jawaharlal Nehru:** I can't catch the question.

**Mr Speaker:** Have the Governments of Sikkim and Bhutan made representations to this Government that propaganda is being carried on there?

**Shri Jawaharlal Nehru:** We have been in touch with both the Governments, naturally I cannot say exactly whether this particular matter was referred to by them. But the fact remains that, if I may use that word, they are not happy about the situation. They are rather nervous about what is happening roundabout them.

**Dr. Ram Subhag Singh:** As the reports indicate the Chinese troops are all along the 500 mile border of Bhutan and Tibet, and it has also come to our notice that the traditional route to Bhutan which passes through a portion of Tibet has been closed. In the circumstances, may I know what help the Government of India is going to render to save Bhutan's economy at present? May I also know whether the Defence Ministry has studied the entire situation from the new position which has been created at present?

**Shri Jawaharlal Nehru:** A big question, Sir. It is true that there have

been some recent difficulties in a person going to Bhutan from India by the normal route which crossed a little corner of Tibet below Yatung—a route, in fact, by which I went last year this time or a little later. There will be difficulty for Bhutanese people to cross that route. Therefore, they are using other routes.

There are other routes from India, of course; only they are longer and sometimes more difficult and these routes are being improved. In fact, quite apart from recent incidents, there is a programme of road building in Bhutan, roads from India to Bhutan and within Bhutan and we are helping them in building those roads.

As for the hon. Member's enquiry about the Defence Ministry, the Defence Ministry no doubt keeps all these things in view and it is difficult for me to discuss what exactly the Defence Ministry may consider right or proper under a certain set of circumstances.

**Dr. Ram Subhag Singh:** May I know whether Government have received any reports of harassment of Bhutan and Sikkim citizens by the Chinese troops or Chinese nationals?

**Shri Jawaharlal Nehru:** You mean in Bhutan or Sikkim or outside?

**Dr. Ram Subhag Singh:** On the border also.

**Shri Jawaharlal Nehru:** So far as I know, I do not think there has been any incursion of Chinese troops into Bhutan or Sikkim. The Chinese troops came to those borders probably because the refugees were coming through that way, possibly to stop them or in pursuit of them. Probably, they were not more gentle with the refugees. One can imagine that. But I do not think there was any kind of conflict with the Bhutanese as such. It may be that some threats were thrown out occasionally and some Bhutanese have heard them.

**Dr. Ram Subhag Singh:** Will the Prime Minister give us a clear guarantee that in no case the Chinese will

be allowed to set up any post in Bhutan or Sikkim as they have done in Ladakh?

**Mr. Speaker:** There is no question of guarantee.

**Shri Jawaharlal Nehru:** That is a very odd question. I do not think, not only this poor Prime Minister, any Prime Minister can give guarantees of that type. All we can say is that as I have said already any kind of incursion into Bhutan or Sikkim will be considered incursion into India, that we shall abide by the assurances we have given to them. How we shall abide by them and in what manner if circumstances arise is a matter for careful consideration. It is not a matter of a direct statement made in this House or elsewhere but of action, if necessity arises, difficult action, very difficult action and action the burden of which will have to be borne by this House. It is not an easy matter in which an easy assurance can be given which may rather sound pompous.

**Some Hon. Members rose—**

**Mr. Speaker:** There are other similar questions.

**Shri Braj Raj Singh:** May I know whether we have written to the Chinese Government at Peking about this propaganda and whether we have received any reply to it?

**Mr. Speaker:** Propaganda about Bhutan and Sikkim.

**Shri Jawaharlal Nehru:** Yes, we have specifically written to them about this. Of course, we could not accuse the Chinese Government of propaganda. We have not stated so but we have said to them that such things are reported to us. That we have said.

**An Hon. Member:** What was the reply?

**Shri Panigrahi:** May I know whether these reports are emanating from Chinese Government sources or sources outside China—these reports about Sikkim and Bhutan?

**Shri Jawaharlal Nehru:** These reports mostly come from, naturally, not Chinese Government sources. That is what I have said. I have said in my reply that it is not possible for us to check up the authenticity of those reports. But they are said to be made by lesser functionaries in Tibet, smaller people who say this.

**An Hon. Member:** Less than 5 feet.

**Mr. Speaker:** Let us not indulge in such kind of remarks.

**Shri Jawaharlal Nehru:** As I said we cannot say if any responsible man has said that. The people in Tibet who come to India repeated that to us in their own turn—that they have heard this kind of thing being said. It is bazaar gossip, one cannot catch it, but it produces some impression on the people. (Interruptions)

#### Pakistan President's meeting with Prime Minister

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**S. N. Q.** { **Shri Raghunath Singh.**  
          **Shri Panigrahi.**  
          **Shri Ram Krishan Gupta:**  
          **Shri S. M. Banerjee:**  
          **Shri A. K. Gopalan:**  
          **Shrimati Parvathi Krishnan:**

Will the Prime Minister be pleased to state whether it is a fact that General Ayub Khan, the President of Pakistan, while on his way to Dacca, is meeting him at the Palam Air Port?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The President of Pakistan will be halting for an hour or so at the Palam Aerodrome on his way to Dacca from Karachi on the 1st September. The Prime Minister will meet him at Palam. No special subjects have been mentioned for discussion.

श्री रघुनाथ सिंह : मैं जानना चाहता हूँ कि क्या वह ईस्टर्न पाकिस्तान में जा रहे हैं इस लिये बाहर डिप्युटि के कारे में उन से कोई बातचीत होगी ।

श्री: जवाहर लाल नेहरू: यह नामुनकिन नहीं है।

श्री. बा. देव.: पाकिस्तान के प्रेजिडेंट ने भारत और पाकिस्तान के बीच में कामन डिफेंस होना चाहिये इस तरह का सुझाव रक्खा था। मैं जानना चाहता हूँ कि इस बैठक में क्या इस सम्बन्ध में भी कुछ चर्चा होगी।

श्री: जवाहर लाल नेहरू: पाकिस्तान के प्रेजिडेंट साहब क्या कहेंगे, यह तो मैं नहीं बतला सकता, मेरी तरफ से इस की कोई चर्चा नहीं होगी।

Shri Hem Barua: Is it a courtesy call or has the Prime Minister an agenda for this?

Shri Jawaharlal Nehru: No agenda

Shri Hem Barua: It is a courtesy call then

Shri Jawaharlal Nehru: Yes

#### Gorakhpur Labour Organisation

S.N.Q. 7. { Shri K N Pandey  
Shri Sinhasan Singh:  
Shri B shwanath Roy  
Shri Birbal Singh:  
Shri Ram Shankar Lal  
Shri Sarju Pandey:

Will the Minister of Labour and Employment be pleased to state

(a) whether the decision regarding notification issued on 11th August, 1959 abolishing the Gorakhpur Labour Organisation has been taken at the instance of the Labour Unions or on demand of the coalfield employers,

(b) whether the cost of the maintenance of this organisation was completely borne by the coalfields employers or a part of it was met by Government,

(c) what are the reasons that had led to this decision of the Government and whether the Government have

considered the following effects resulting from this step:

(i) what avenues have now been considered and opened for continuing the recruitment of labour from these Eastern districts of UP State

(ii) whether the density of the population and acute problem of unemployment which would further be accelerated by the abolition has been considered,

(iii) Whether any alternative job has been found out for the permanent office and other employees working in the said organisation?

The Deputy Minister of Labour (Shri Abid Ali): (a) The decision to abolish the Gorakhpur Labour Organisation was taken in a tripartite meeting held on the 9th August, 1959. The Trade Unions have been pressing for its abolition

(b) By the employers

(c) It was considered undesirable to continue treating a section of workers as a separate class, subjected to various controls in worksite camps

(1) The recruitment function of the Gorakhpur Labour Organisation will be taken over by the Employment Exchange Organisation

(ii) This does not arise in view of reply to (i) above

(iii) The matter is under consideration

Shri K N Pandey: The employment exchange is located in a particular area and it will serve only that particular area. Previously the workers were sent to every part of the country. May I know how these things will be affected by this thing

being taken over by the employment exchange?

**Shri Abid Ali:** This particular function of the Gorakhpur labour organisation will be taken over by the employment exchange and it will be looking to this special work. The purpose in view will thus be served

**Shri K. N. Pandey:** I want to bring to your notice that one employment exchange cannot serve the purpose because generally it serves a particular area. These workers numbering 16,000 were sent to every part of the country where coal-field exist. One employment exchange cannot help them to give them employment in all these places. Will it be possible for the Ministry to open one special employment exchange for seeing that these persons can be employed in every part of the country where they are required?

**Shri Abid Ali:** That is the intention

**Shri Bishwanath Roy:** In view of the fact that every year a large number of workers were recruited at Gorakhpur, may I know whether that sort of employment would be affected in any way by the new arrangement?

**Shri Abid Ali:** That is what I have said. The intention is that The Gorakhpur Labour Organisation was enlisting individual persons who wanted to go to work in the coal fields. Now also, enlistment will be done and the collieries will be informed of that and all these workers will be employed in these collieries, needing them.

जी सरजू पांडे: गोरखपुर लेबर ऑरगनाइजेशन के एबोलिशन होने के बाद जो बेकारी बढ़ेगी उसके बारे में सरकार क्या विचार कर रही है?

जी अखिल अली: इस वजह से बेकारी नहीं बढ़ेगी।

जी सरजू पांडे: जो लोग वहाँ काम करते हैं उनको कोई दूसरा काम दिया जायगा या नहीं?

जी अखिल अली: इस वक्त जो वहाँ पर १७५ के करीब आदमी काम कर रहे हैं उनमें से १२५ को दूसरी आरगेनाइजेशन में ले लेंगे और बाकी का भी इन्तजाम कर लिया जायगा।

**Shri S. L. Saksena:** Is the hon Minister aware that the Minister in charge of this in UP did not agree to the abolition of this depot in the tripartite conference?

**Shri Abid Ali:** The representative of the UP Government was present in the conference

**Shri S. L. Saksena:** He did not agree to it?

**Shri Abid Ali:** I cannot say. This decision was taken in the Conference

**Shri S. L. Saksena:** Is the hon Minister aware that the UP Assembly was told by the State Minister that they are not agreeable to this? Can the recommendations of the labour tripartite conference be implemented without unanimity?

**Shri Abid Ali:** The UP Government had written to us that this organisation should not be abolished, it is a fact

**Shri S. L. Saksena:** I want to know whether you propose to accept the view of the UP Government or not

**Shri Abid Ali:** This was a tripartite conference attended by the representatives of the Governments concerned employers and employees and the decision was taken there

**Shri S. L. Saksena:** Could a decision of the tripartite conference be binding if it is not unanimous?

**Shri Abid Ali:** Yes, Sir.

**Shri Bishwanath Roy:** May I know whether the workers employed by the



exchange at Gorakhpur would be employed in the same manner as they were employed by the organisation previously or other formalities will have to be followed by them?

Shri Abid Ali: They will be employed as other workers are employed

## WRITTEN ANSWERS TO QUESTIONS

### Import of Cycle Components

\*871. { Shri R. C. Majhi;  
Shri Subodh Hansda:

Will the Minister of Commerce and Industry be pleased to state

(a) whether Government have decided to ban the import of cycle components,

(b) if so, whether this decision has been implemented, and

(c) what will be the net saving of foreign exchange?

The Minister of Commerce (Shri Kannangal): (a) No, Sir

(b) and (c) Do not arise

### Government Contractors

\*875 Shri Keshava: Will the Minister of Works, Housing and Supply be pleased to state

(a) whether it is a fact that the Government contractors are generally reluctant to execute C.P.W.D. works,

(b) if so, why and for what reasons, and

(c) how the crisis is proposed to be overcome?

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): (a) No, Sir, but occasional instances of poor response from contractors have come to notice

(b) and (c) A statement containing the required information is laid

on the Table of the House. [See Appendix III, annexure No 48]

### Conference of Rehabilitation Secretaries at Srinagar

\*879 Shri Sadhan Gupta: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) whether the Conference of Rehabilitation Secretaries held at Srinagar has decided to lay emphasis on resettlement of displaced persons from East Pakistan in West Bengal through the Bainanama Scheme,

(b) if so, whether and to what extent the upper limit of grants permissible under the Bainanama Scheme will be increased,

(c) whether the question of undertaking agricultural and industrial schemes in West Bengal for providing employment to displaced persons was also discussed in the Conference, and

(d) if so, with what result?

The Minister of Rehabilitation and Minority Affairs (Shri Mehr Chand Khanna): (a) It was agreed that the West Bengal Government would take steps to further encourage the displaced camp families to rehabilitate themselves under the Bainanama Schemes.

(b) There is no proposal to generally increase the upper limits of financial assistance admissible under the scheme Schemes, however, which involve higher financial assistance for purchase of agricultural land by the camp families would continue to be considered on their merits

(c) No

(d) Does not arise

### Hospital for Mica Mines at Kalichedu

\*881 Shri T. B. Vittal Rao: Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No 1826 on the 14th April, 1959 and state:

(a) whether the equipment for the hospital under construction at

Kalichedu for mica mines has since been obtained;

(b) if so, when is it likely to be opened; and

(c) if the reply to part (a) above be in the negative, the reasons therefor?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) No.

(b) Does not arise.

(c) The hospital building is not yet ready. Action to obtain the necessary equipment has already been initiated

#### Export of Meat and Meat Products

\*884. **Shri Halder:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the Indian producers of meat and meat products find it difficult to export their products to U.K. and other Commonwealth countries due to lack of arrangement of 'health certificate' which the importers demand;

(b) whether the All India Sheep Casing Manufacturers' Association has made any representation to Government in this regard; and

(c) if so, the steps Government have taken to promote the export of these products?

**The Deputy Minister of Commerce and Industry (Shri Satish Chandra):** (a) and (b). Yes, Sir

(c) The possibility of making satisfactory inspection and certification arrangements is being explored

#### Code of Discipline in Industry

\*885. { **Shri Tangamani:**  
**Shri T. B. Vittal Rao:**

Will the Minister of Labour and Employment be pleased to state.

(a) whether the Seventeenth Indian Labour Conference, which met at Madras on the 27th and 28th July, 1959, considered the question of Code

of Discipline in Industry and the Code of Conduct in inter-union affairs;

(b) if so, the decisions taken thereon; and

(c) whether it is a fact that employers have contravened the Code more often than the employees since the Sixteenth Indian Labour Conference?

**The Deputy Minister of Labour (Shri Abid Ali):** (a) The Conference considered the working of the Code of Discipline only. The Code of Conduct was not discussed by it.

(b) The "Criteria for Recognition of unions" were further clarified.

(c) The number of complaints reported upto July 31, 1959 is as follows—

- |                                    |      |     |
|------------------------------------|------|-----|
| (i) Complaints against employers—  | 242. | em- |
| (ii) Complaints against employees— | 204  | em- |

Investigations in all the cases are not yet complete

#### Manufacture of Newsprint

\*890. **Shri Subbiah Ambalam:** Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No. 2307 on the 8th May, 1959 and state:

(a) whether the German and Indian experts have completed examination of the possibility of manufacturing newsprint from Bagasse;

(b) if so, the opinion of the experts; and

(c) whether Government are satisfied with this technical process?

**The Minister of Industry (Shri Manubhai Shah):** (a) to (c). A statement is laid on the Table of the House.

## STATEMENT

The process proposed to be adopted for the manufacture of newsprint from bagasse at Shakkarnagar being a new one, it was considered desirable to get an assessment of the technical and economic feasibility of the process. Experiments are to be conducted on the bagasse available at Shakkarnagar and on the basis of the results of which the German Experts would work out the economics of the process and give their advice.

In the meanwhile a small quantity of bagasse has also been shipped to Japan for experiments on the feasibility of manufacturing newsprint from bagasse by Japanese Paper Experts.

## Automatic Looms

\*893. { Shri R. S. Arumugam.  
Shri Ganapathy:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No. 15 on the 3rd August, 1959 and state:

(a) the number of mills which have applied for automatic looms in Madras State;

(b) how many of these have so far been allotted automatic looms; and

(c) how many applications have so far been received from Madras State for installation of automatic looms for export purposes only?

The Minister of Commerce (Shri Kanungo): (a) 5 mills

(b) 4 mills

(c) The last date for receipt of applications for installation of automatic looms for export purposes only is 31st August, 1959. Up to 25th August, 1959 only 1 application has been received from Madras State.

## Looting of Trucks by Nagas

\*894. Shri L. Achaw Singh: Will the Prime Minister be pleased to state:

(a) whether it is a fact that two trucks of civilian businessmen were looted by the Naga hostiles at Khoijuma on the Dimapur Manipur Road during the last week of July, 1959;

(b) whether it is a fact that one of the drivers was seriously injured by gun shots from the rebels;

(c) what is the value of the goods looted;

(d) whether all goods vehicles have suspended their operations on this route;

(e) whether it is a fact that only passenger buses are given armed escort by the military authorities Kohima; and

(f) whether the prices of all commodities for local consumption have shot up due to the suspension of operation by vehicles?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) Yes, two unescorted vehicles were looted by armed Naga hostiles on the 29th July, 1959.

(b) A Handyman was slightly injured.

(c) Rs. 14/- two woollen coats and two fountain pens were looted.

(d) The plying of vehicles on this route was suspended for a few days because of a landslide.

(e) All vehicles moving in a convoy are provided with armed escort.

(f) No increase in prices has been reported.

## Raw Film Quota for Children's Films

\*895. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have received representations that the pro-

ducers of Children's Films should be allotted special quota of raw films; and

(b) if so, the decision taken by Government thereon?

The Minister of Commerce (Shri Kanungo): (a) and (b) A statement is laid on the Table of the House

#### STATEMENT

Yes, Sir; a representation was received in October, 1958, and in the circumstances prevailing at that time, it was not found possible to give any special quota. According to the present procedure, however, any producer of Children's film can get allotment of raw film, if he produces satisfactory evidence that he has made necessary arrangements for the production of the picture

#### Filaria Officers in Coal Mines

\*896. { Shri R. C. Majhi:  
Shri Subodh Hansda

Will the Minister of Labour and Employment be pleased to state

(a) whether a Filaria Officer is appointed in all coal mine areas, and

(b) if so, whether the survey of Filaria has already been started?

The Deputy Minister of Labour (Shri Abid Ali): (a) It is proposed to appoint one Filaria Officer for coal mines

(b) No

#### Manufacture of Paper and Pulp Machinery

\*897. { Shri Ram Krishan Gupta  
Shri Shree Narayan Das  
Shri Radha Raman:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No 668 on the 26th February, 1959 and state:

(a) whether the terms of collaboration with the Swedish firm for the

manufacture of paper and pulp machinery in India have been finalised;

(b) if so, the details thereof; and

(c) when the production is likely to start?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). A new company is to be formed by M/s Tata Locomotive and Engineering Co. in association with M/s A Johnson and Co, Sweden, in which the Swedish firm propose to invest to the extent of 60 per cent of the capital. The Swedish firm will supply the Indian company, designs, drawings and technical know-how for the manufacture of pulp and paper machinery, against payment of a technical fee cum royalty

(c) The company is expected to commence production shortly

#### Central Committee on Employment

{ Shri Raghunath Singh:  
Shri D. C. Sharma:  
Shri Tridib Kumar Chaudhri:  
\*898 { Shri Panigrahi:  
Shri S. M. Banerjee:  
Shri Jagdish Awasthi:  
Shri Ram Krishan Gupta:  
Shri Sarju Pandey:

Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that the Central Committee on Employment held its meeting in May, 1959;

(b) if so, the subjects discussed and the recommendations made by the Committee.

(c) the decisions taken by Government thereon, and

(d) the steps proposed to be taken to implement those decisions?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) Important items discussed and recommendations made concerning the same are:—

(1) The two Study Groups set up by the Committee should examine the employment aspects of planning in general and the employment opportunities in the village industries sector respectively.

(2) Programme of Employment Market Information and Vocational Guidance should be strengthened

(3) Apprenticeship training schemes should be organized on sound lines by resorting to legislation, if necessary

(4) Staff of the Employment Service should be made permanent without delay.

(5) State Employment Advisory Committees should be remodelled on the lines of the Central Committee on Employment

(6) Pilot project should be undertaken at least in one District in every State to discover employment potential

(7) Facilities of the Employment Service should be extended to persons in rural areas

(8) All Government Departments/Statutory Bodies should utilize the Employment Service for recruitment.

(9) Central and State Co-ordinating Units should take measures to find employment to workers rendered unemployed due to closures

(10) The question of creating a Special Fund for rehabilitating weaker industrial units should be examined in all its aspects.

(c) and (d) Material for consideration by the Study Groups is made available. The other recommendations are being examined in consultation with authorities concerned in the States and the Central Government.

192 L.S.D.—J.

# Documentary Film on Tagore

909. { Shri S. M. Banerjee:  
Shri D. C. Sharma:  
Shri Ram Krishna Gupta.  
Shri Jagdish Awasthi:

Will the Minister of Information and Broadcasting be pleased to refer to the reply given to Starred Question No. 375 on the 18th February, 1959 and state:

(a) whether the Films Division have since concluded an agreement with a producer for the production of a documentary film on the life of Shri Rabindranath Tagore;

(b) if so, the nature of the agreement concluded, and

(c) the progress made so far in the production of the film?

The Minister of Information and Broadcasting (Dr. Konkar): (a) No, Sir. The Producer has raised certain points which are being examined.

(b) Does not arise

(c) The shooting of the film will be started as soon as the Agreement is executed. In the meantime, the necessary material for the film is being collected and a Committee has been constituted to assist and advise the Producer in the production of the film

## Kashmir

900 Shri A. M. Tariq: Will the Prime Minister be pleased to state:

(a) whether Government are aware that Michel Brithcer in his book entitled "Nehru, A Political Biography" has published a few maps of India; and

(b) whether Government are also aware that in these maps Kashmir has not been shown as part of India?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) Yes, Sir

(b) No, Sir. - On the contrary, Kashmir has been shown as part of India in the maps referring to the evolution of the States in 1950 and 1959. Even in the maps of Indian States in 1947, Jammu and Kashmir is clearly separated from West Pakistan by the same demarcation line which separates West Pakistan from India. The State boundary line between India and Kashmir in this map is exactly the same as boundary lines of other States in India.

#### Foreign Markets for Indian Films

\*901. { Shrimati Ila Palchoudhuri:  
Shri S. A. Mehdi.:

Will the Minister of Information and Broadcasting be pleased to state

(a) whether it is a fact that Indian Trade Missions abroad have recently carried out market surveys for Indian films in various foreign countries.

(b) if so, when and in which countries these surveys were conducted, and

(c) what indications do these surveys give in regard to expansion of the existing markets and finding of new foreign markets for Indian films?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (c) The Export Promotion Committee has called for from our Trade Missions abroad information on such matters as are likely to help us in increasing export of films to various foreign countries. Such reports have been asked for from all our Missions. Some reports have been received, others are expected to come soon. These reports will be studied by a Special Committee of the Export Promotion Committee and in the light of the information furnished devise ways for increasing our film exports.

#### Export of Manganese Ore to U.S.A.

\*902. { Shri Panigrahi:  
Shri P. C. Borooah:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether the present steel strike in the U.S.A. has in any way affected India's export trade in manganese ore to that country; and

(b) if so, to what extent?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a) and (b) It is yet too early to assess the effects of the present steel strike in U.S.A. on our exports

#### World Festival of Youth at Vienna

\*903 { Shri P. C. Borooah:  
Shri Assar:

Will the Prime Minister be pleased to state:

(a) how much foreign exchange was allowed to the Indian delegates who went to attend the World Festival of Youth at Vienna;

(b) whether any official facilities were provided to them, and

(c) if so, the nature thereof?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) As a rule, foreign exchange was not allowed to any person attending the World Festival of Youth at Vienna. However, in one instance foreign exchange worth Rs. 667 was permitted for incidental expenses to a Member of Bihar Legislative Assembly who was going to Vienna for this festival. No other foreign exchange expenditure has been incurred by the Government of India.

(b) and (c) Passport facilities were given to a limited number of people.

### Trained Teacher-Administrators

\*904. Shri Tangamani: Will the Minister of Labour and Employment be pleased to state:

(a) whether the Teacher-Administrators trained in Bombay have been posted in all the States;

(b) whether it is a fact that no such teacher has been posted for Madras State; and

(c) if so, the reasons for the same?

The Deputy Minister of Labour (Shri Abid Ali): (a) The trained Teacher-Administrators have been posted in such of the States where centres have been opened

(b) and (c) Four Teacher-Administrators were posted at Madras but were withdrawn owing to language difficulties

### Tractors

\*905. Shri Subbiah Ambalam: Will the Minister of Commerce and Industry be pleased to state

(a) the annual requirements of tractors in the country,

(b) whether Government have evolved any scheme to manufacture track-type tractors in India, and

(c) if so, the details thereof?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). A statement is laid on the Table of the House

### STATEMENT

(a) The estimated annual demand for tractors is as indicated below:—

(i) Agricultural tractors 5,000 Nos

(ii) Crawler (track type) tractors 220 Nos

(b) and (c) The Ministry of Defence concluded, sometime back, an agreement with a Japanese firm for the manufacture of crawler tractors of heavy earth moving type in the

Ordnance Factories. In addition, a licence has recently been granted under the Industries (Development & Regulation) Act, 1951 to a firm in Delhi for the establishment of an industrial undertaking at Madras for the manufacture of crawler tractors in collaboration with a US Firm. The capacity of the undertaking will be assessed after two years of its going into production

### Workers' Education Scheme

\*906. { Shri D. C. Sharma:  
Shri Ram Krishan Gupta:

Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No 702 on the 26th February, 1959 and state

(a) the progress made in launching the Workers' Education Scheme in Delhi so far, and

(b) the names of other industrial towns to which the scheme will be extended during the year 1959-60?

The Deputy Minister of Labour (Shri Abid Ali): (a) The first batch of worker-teachers concluded its training in July 1959. Details regarding training workers through these worker-teachers are under preparation

(b) Worker-teachers are being trained at the following 9 other centres —

- (1) Alwaye
- (2) Bombay
- (3) Bangalore
- (4) Calcutta
- (5) Dhanbad
- (6) Hyderabad
- (7) Indore
- (8) Kanpur
- (9) Nagpur

Centres in some other industrial towns will also be opened whenever considered necessary

### Setting up of Aluminium Plant in Salem (Madras)

\*997. { Shri E. C. Majhi:  
Shri Subodh Hanada:  
Shri S. C. Samanta:  
Shri Tangamani:  
Shri T. B. Vittal Rao:  
Shri Narasimhan:

Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No 26 on the 10th February, 1959 and state:

(a) whether the Italian firm has since submitted any report in regard to the setting up of an Aluminium Plant in Salem (Madras),

(b) if so, whether this has been considered and accepted by Government,

(c) when the work is likely to be taken up, and

(d) whether the project will be completed during the Second Five Year Plan period?

The Minister of Industry (Shri Manubhai Shah): (a) to (d) A report on the feasibility of an aluminium plant in Salem has been received by the Government of Madras and is under their consideration. We are awaiting a further communication from them.

### Industries (Development and Regulation) Act, 1951

\*998. Shri Ram Krishna Gupta: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Starred Question No 970 on the 6th March, 1959 and state at what stage stands the question of assuming more powers under the Industries (Development and Regulation) Act, 1951 to take over industries which close down or go into liquidation on account of internal quarrel among the management?

The Minister of Industry (Shri Manubhai Shah): The matter is under consideration.

### Kashmir

\*999. Shri A. M. Taseq: Will the Prime Minister be pleased to state:

(a) whether Government are aware that the National Grindlays Bank Limited in its advertisement map has not shown Kashmir as part of India; and

(b) if so, the action taken by Government in this regard?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon):

(a) Yes, Sir

(b) The matter is being taken up with the Bank.

### India's Membership to U.N. Trusteeship Council

\*910. Shrimati Ila Palchowdhuri: Will the Prime Minister be pleased to state

(a) whether it is a fact that the period of membership of India of the U.N. Trusteeship Council is about to expire,

(b) if so, whether it is proposed to seek re-election to the Council, and

(c) the steps taken or proposed to be taken in this connection?

The Deputy Minister of External Affairs (Shrimati Lakshmi Menon): (a) to (c) India's present term on the Trusteeship Council expires at the end of this year, and we have decided to seek re-election. We have made our candidature known to other members of the United Nations and we hope that they will find it possible to support us.

### Export of Mica to U.S.S.R.

\*911. Shri Panigrahi: Will the Minister of Commerce and Industry be pleased to state

(a) whether it is a fact that the U.S.S.R. have recently placed a substantial order for the purchase of mica from India, and

(b) if so, the amount of order placed by the U.S.S.R.?



The Minister of Commerce (Shri Kanungo): (a) Yes, Sir

(b) 200 tons

#### National Productivity Council

\*912. Shri P. C. Boroah: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that the National Productivity Council has decided to organise a series of training courses on productivity techniques, and

(b) if so, the nature of the training and the places where it will be imparted?

The Minister of Industry (Shri Manubhai Shah): (a) Yes, Sir

(b) Courses are being organised in Work Study, Productivity Control, Cost Control, Materials Handling etc. A 2-month basic course on Work Study commenced at Delhi on the 3rd August, 1959. The course has been jointly sponsored by the National Productivity Council, the Delhi Productivity Council and the Delhi Polytechnic.

Requests for a similar course have been received from Ahmedabad, Asansol, Bangalore, Baroda, Cochin, Dalmianagar, Hyderabad, Rampur and Salem. Action is being taken to organise Basic Work Study courses at these centres.

#### Indian Trade Union (Amendment) Act, 1947

Shri Tangamani:  
Shri S. M. Banerjee:  
\*913 { Shri Jagdish Awasthi:  
Shri Fakadia:  
Shri P. G. Deb:

Will the Minister of Labour and Employment be pleased to refer to the reply given to Unstarred Question No 3803 on the 30th April, 1959 and state—

(a) whether Government now propose to enforce the Indian Trade Union Amendment Act, 1947;

(b) if so, from which date;

(c) if not, the reasons therefor; and

(d) the alternate arrangements made for recognition of Trade Unions?

The Deputy Minister of Labour (Shri Abid Ali): (a) No.

(b) Does not arise

(c) It is considered that the cause of good industrial relations will be better served by voluntary recognition than by legislative compulsion for recognition.

(d) The Code of Discipline in Industry which has been agreed to by All India Organisations of employers and workers lays down the 'criteria' for recognition of unions.

#### National Industrial Development Corporation

1672. Shri Ram Krishan Gupta: Will the Minister of Commerce and Industry be pleased to state the total amount of loans sanctioned to the Cotton Textile Industries by the National Industrial Development Corporation during 1959 so far, mill-wise?

The Minister of Industry (Shri Manubhai Shah): A statement is laid on the Table.

#### STATEMENT

Names of Cotton textile mill companies which have been sanctioned loans by the National Industrial Development Corporation Private Ltd., together with amount of loan sanctioned thereof, during the period 1st January, 1959 to 15th August, 1959 are as follows—

S No.	Name of the Mill Company	Amount of loans sanctioned (Rs. in lakhs)
1	2	3
1	Eiphamstone Spg & Wvg. Mills Co. Ltd., Bombay.	48-50
2	Suaram Spg. & Wvg. Mills Ltd., Trichur (In Liquidation)	21-68

	3
3. Lokmanya Mills Barri Ltd., Barri.	4 57
4. Loyal Textile Mills Ltd., Kovilpatti	8 73
5. Shree Bharathi Mills, S. A., Pondicherry	19 69
6. Somasunderam Mills (P) Ltd., Coimbatore	20 00
7. Shree Meenakshi Mills Ltd., Madurai	57 86
8. Shri Hanuman Cotton Mills Ltd., Calcutta	13 4
9. Madura Mills Co Ltd., Madurai	75 00
10. Yamuna Mills Co Ltd., Baroda	27 84
11. Tarun Commercial Mills Ltd., Ahmedabad	25 00
12. Bharat Suryodaya Mills Co. Ltd., Ahmedabad	22 37
<b>TOTAL</b>	<b>342 64</b>

No payment has so far been made to the above mentioned mill companies as the legal formalities are yet to be completed

Corresponding figures are given below for earlier years

	No of Mills	Amount sanctioned
1956	Nil	Rs Nil
1957	4	Rs 120 7 lakhs
1958	13	Rs 250 6 ..

#### Labour Co-operative Societies in Punjab

1673. Shri D. C. Sharma: Will the Minister of Works, Housing and Supply be pleased to state how many registered Labour Co-operative Societies have been awarded minor works of construction in Punjab so far by the CPWD without calling for tenders?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): None

#### Films on Food Production

1674. Shri Pangarkar: Will the Minister of Information and Broadcasting be pleased to state:

(a) the number of films relating to food production produced so far; and

(b) the number of such films shown in villages during 1958-59?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). Sixteen films have been produced and shown on the subject.

#### Film on Silk Industry

1675. Shri Pangarkar: Will the Minister of Information and Broadcasting be pleased to state:

(a) whether documentary films depicting the various processes of silk industry have been brought out; and

(b) if not, whether there is any proposal to produce such films?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir Two documentaries have been produced on the subject

(b) Does not arise

#### Progress in Housing Schemes

1676. { Shri Pangarkar:  
Shri D. C. Sharma:  
Shri T. B. Vittal Rao:  
Shri Kodiyan:

Will the Minister of Works, Housing and Supply be pleased to state the progress made upto the 31st July, 1959 in regard to the Low Income Group Housing Scheme and Subsidised Industrial Housing Schemes (State-wise)?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): Two statements, indicating the progress made in each State/Union Territory, under the Low Income Group Housing Scheme and Subsidised Industrial Housing Scheme, from the inception of the Schemes upto 31st July, 1959, are laid on the Table [See Appendix III, annexure No 49]

#### Slum Clearance in Bombay State

1677. Shri Pangarkar: Will the Minister of Works, Housing and Supply be pleased to state the amount

allocated by the Centre to Bombay State under the Slum Clearance Scheme for 1959-60?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): A sum of Rs. 135 lakhs (Rs. 74 lakhs as loan and Rs. 61 lakhs as grant) has been allocated to Bombay State during 1959-60, as Central share of financial assistance, under the Slum Clearance Scheme.

#### Displaced Persons in Tripura

1678. Shri Dasaratha Deb: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) the number of displaced persons in Tripura who are:

- (i) already rehabilitated,
- (ii) partially rehabilitated;
- (iii) in camps—waiting for rehabilitation;
- (iv) outside the camps—waiting for rehabilitation;

(b) the schemes adopted for completion of rehabilitation in the cases of (ii), (iii) and (iv) above; and

(c) the approximate amount to be spent for implementation of each of these schemes?

The Minister of Rehabilitation and Minority Affairs (Shri Mohr Chand Khanna): (a) to (c). The attention of the hon Member is invited to the Annual Report of this Ministry for the year 1958-59, copies of which have been made available to all Members of Parliament. The work of rehabilitation is still continuing in Tripura and is likely to be completed by the end of the Second Plan period.

All Camps in Tripura have been closed. Except for Homes and Infirmarys for unattached women, children, old and infirm, there are no camps in the State.

#### Power Generation

1679. Shri P. K. Deo: Will the Prime Minister be pleased to state:

(a) the cost of power generation per unit:

- (i) in the case of Thermal Station;
- (ii) in the case of Diesel Oil Station;
- (iii) in the case of Hydro-electric Station,
- (iv) in the case of Atomic Power Station; and

(b) the rate per unit in Bombay, Dhanbad and Cuttack?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The information required is being collected and will be laid on the Table of the House in due course.

#### Indian Textile Experts in U.S.A.

1680. Shri Ram Krishan Gupta: Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that a team of Indian textile experts was refused permission to see the textile mills in USA whose operation they had gone to study recently,

(b) if so, whether Government have received any complaint from this team; and

(c) the nature of the action taken in this regard?

The Minister of Industry (Shri Manubhai Shah): (a) to (c) Some mills declined but many more invited the team to visit their mills. The TCM authorities were very helpful and team's tour was successfully completed.

**Central Assistance to Andhra Pradesh**

1581. **Shri M. V. Krishna Rao:** Will the Minister of Planning be pleased to state:

(a) the Central assistance given to Andhra Pradesh for the fourth year of the Second Five Year Plan;

(b) whether there was any shortfall in the Plan expenditure of the State Government during the year 1958-59; and

(c) if so, to what extent?

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) Rs. 1899 crores.

(b) The figures of actual expenditure for the year 1958-59 are yet to be reported by the State Government.

(c) Does not arise.

**Rural Housing in Orissa**

1682. **Shri Panigrahi:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Unstarred Question No 2533 on the 31st March, 1959 and state:

(a) the number of villages in Orissa where development work under the Village Housing Project Scheme has been completed;

(b) the nature of development work undertaken; and

(c) whether the total allocation of Rs 2,65,000 to the State Government has been fully utilised during 1958-59?

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** (a) to (c) The required information has been called for from the State Government and will be placed on the Table of the House on its receipt

**Scientific Apparatus**

1683. **Shri Ram Krishan Gupta:** Will the Minister of Commerce and Industry be pleased to state the nature of the steps taken or proposed to be

taken to manufacture scientific apparatus required by the Schools and Colleges in India?

**The Minister of Industry (Shri Mahabhai Shah):** The following steps are being taken:—

(i) Existing factories producing scientific instruments have been allowed to increase their capacities.

(ii) Small Scale Units who are able to increase their production and labour strength are being encouraged and licensed under the Industries (Development and Regulation) Act.

(iii) Recently the scheme of an Indian firm manufacturing slide rules and drawing instrument boxes has been approved for the production of higher precision types of rules and quality drawing instrument boxes which are required for Engineering Colleges, Polytechnics etc.

(iv) An Expert Committee has been set up under the All India Council for Technical Education to go into the question of requirements of equipment of Engineering Institutions. It is expected that the Committee will submit its report in a few months

(v) Another expert committee under the Chairmanship of Prof. M. S. Tacker appointed by the Planning Commission for suggesting ways and means to develop scientific apparatus industry in the country has submitted its report recently. The recommendations of the Committee are being examined.

(vi) A scheme is under consideration for establishment of an Extension Centre at Ambala for assistance to small scale manufacturers of scientific instruments.

**Middle Income Group Housing Scheme**

1684. **Shri D. C. Sharma:** Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Unstarred Question No. 2847 on the 8th April, 1959 and state:

(a) whether the Government of Punjab have since applied for any

financial assistance under the Middle Income Group Housing Scheme for 1959-60; and

(b) if so, with what results?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) and (b). The Government of Punjab has asked for a sum of Rs 90.85 lakhs. The total demand of all the States this year comes to Rs 636 crores, against Rs 3 crores per annum promised by the Life Insurance Corporation. The amount that Punjab will actually get will depend upon the sum that the Corporation can finally allocate for this Scheme this year.

#### Steel Quota for Punjab

1935. Shri D. C. Sharma: Will the Minister of Commerce and Industry be pleased to state

(a) whether it is a fact that the Punjab Government have requested the Central Government to increase the State's quota of steel to meet the requirements of small scale industries during 1959-60;

(b) if so, with what results, and

(c) the quantity of steel allocated or to be allotted for small scale industries to the State?

The Minister of Industry (Shri Manubhai Shah): (a) to (c). The State Government have been allotted 16,000 tons of steel for the period April-September, 1959, as against their demand of 22,265 tons. Allocations to State Governments are made taking into account the quantity available for distribution.

#### Government-built Quarters in Compensation Pool

1936. Shri D. C. Sharma: Will the Minister of Rehabilitation and Minority Affairs be pleased to state:

(a) how many Government built quarters which form part of the Compensation Pool are situated in Delhi,

(b) how many of these quarters are in occupation of non-claimants; and

(c) the number of Government-built quarters of Delhi whose price has been fixed finally?

The Minister of Rehabilitation and Minority Affairs (Shri Mohar Chand Khanna): (a) 49,959

(b) 21,871

(c) The prices of 46,061 properties have been fixed finally. 2,576 properties have been transferred to the Ministry of Works, Housing and Supply and Delhi Corporation, 1,200 properties are not transferable and another 388 are under construction. Only in the case of 544 properties out of 49,959 the final cost has not been fixed.

#### Study of Salt Industry in France

1937. { Shri Subodh Hansda:  
Shri S. C. Samanta:

Will the Minister of Commerce and Industry be pleased to state

(a) whether it is a fact that two senior officers of the Government of India visited France for a study of the Salt industry in that country during the year 1958,

(b) if so, whether they have submitted any report; and

(c) the details of their recommendations?

The Minister of Industry (Shri Manubhai Shah): (a) and (b) Yes, Sir

(c) A statement containing the information is laid on the Table [See Appendix III, annexure No 50]

#### STATEMENT

Recommendations made by the two officers deputed to France during 1958 for a study of the Salt Industry in that country

"(1) To meet the growing demand for pure salt for chemical industries,

it is necessary that techniques, such as those for mechanical harvesting of salt employed in France, and modern purification processes, such as the salt pump, be introduced in Indian salt works

(2) In view of the valuable developments made by the Campagne des Salins du Midi of France in the Salt Industry, it would be desirable to arrange for their Chief Engineer to visit India in the month of February or March and to obtain a report on the applicability of such methods in Indian salt works. Such a visit could be arranged under the French TCM Programme

(3) After receipt of the report of the Chief Engineer of Messrs Salins du Midi, an agreement for technical collaboration might be made with them by the Hindustan Salt Co as well as by private salt manufacturers if they so desire, for technical assistance for improving the processes of salt manufacture

(4) A system of grading of salt according to purity, etc., may be introduced in India so that different consumers will obtain easily salt of the required quality

(5) Transport of salt in bulk by rail may be permitted in railway wagons provided with a paper liner"

#### State Trading Corporation of India, Limited

1688. Shri Ram Krishan Gupta: Will the Minister of Commerce and Industry be pleased to refer to the reply given to Unstarred Question No 4261 on the 8th May, 1959 and state the further progress made so far in amending the Articles of Association of the State Trading Corporation of India Ltd?

The Minister of Commerce (Shri Kamanga): The matter is still under consideration.

#### Boarding House in Delhi

1689 { Shri Ram Krishan Gupta:  
Shri Bhakt Darshan:

Will the Minister of Works, Housing and Supply be pleased to refer to the reply given to Starred Question No 2335 on the 8th May, 1959 and state

(a) whether Government have considered the question of purchasing the house allotted to Shri J E da Fonseca for running a boarding house,

(b) if so, the nature of the decision taken, and

(c) at what stage stands the question of continuance of Shri Fonseca's lease?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) and (b) Yes, the matter has however, not been finalised

(c) There have been negotiations regarding the continuance of the lease on mutually acceptable terms. A final decision has not yet been taken

#### Bonus to Colliery Workers

1690 Shri Ram Krishan Gupta: Will the Minister of Labour and Employment be pleased to refer to the reply given to Starred Question No 2218 on the 5th May, 1959 and state at what stage stands the question of paying bonus to colliery workers?

The Deputy Minister of Labour (Shri Abid Ali): A pilot enquiry has been conducted at Jharia Coalfields for finalising all technical and operational details and the results of this enquiry are being analysed. The main survey will be launched shortly

#### Economies in Building Costs

1691 Shri Ram Krishan Gupta: Will the Minister of Planning be pleased to refer to the reply given to Starred Question No 2238 on the 5th May, 1959 and state

(a) whether the measures needed to achieve economies in building costs have since been finalised; and

(b) if so, the details thereof?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Yes

(b) Instructions have been issued by the Ministry of Works, Housing and Supply. The Ministry has indicated the various directions along which reductions in construction costs are to be achieved. These include proposals for economy in land utilisation, adoption of designs for buildings strictly according to functional requirements, reduction in the use of costly materials and materials in short supply use of local materials to the maximum extent possible, improvements in the working of various construction agencies, including contractors, organisation of work departmentally in areas in which contractors are not available or when they quote excessive rates use of labour co-operatives and voluntary social service agencies in construction, and improvements in planning of the supply of materials and the planning of construction

#### Market for Indian Ores

1692. Shri Ram Krishan Gupta: Will the Minister of Commerce and Industry be pleased to state

(a) the nature of steps taken so far for the development of markets for Indian Iron Ore in European countries, and

(b) the result thereof?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b) A statement giving the required information is laid on the Table [See Appendix III, annexure No 50]

#### Trade Development Fund

1693. Shri Ram Krishan Gupta: Will the Minister of Commerce and Industry be pleased to state the nature of steps taken so far for the creation of the Trade Development Fund by the State Trading Corporation for promoting trade?

The Minister of Commerce (Shri Kanungo): State Trading Corporation has decided to create on an experimental basis a Trade Development Fund with Rs 15 lakhs

#### Investment in Private Industry by Punjab Government

1694. { Shri Ram Krishan Gupta:  
Shri Daljit Singh:

Will the Minister of Planning be pleased to state

(a) whether the schemes from Punjab for investment in private industry by State Government have been finalised, and

(b) if so the decisions arrived at?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b) Proposals from State Governments for investment in private industry are considered by the Planning Commission as and when they are received. No proposal from the Punjab Government for assisting private sector industrial projects is at present pending with the Planning Commission

#### Housing Colonies for Weavers in Bombay

1695. Shri Pangarkar: Will the Minister of Commerce and Industry be pleased to state

(a) whether any housing colonies for weavers' co-operative societies have been started in Bombay,

(b) if so the number thereof,

(c) whether any of these colonies have been completed so far, and

(d) the number of weavers who have been settled in these colonies?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir

(b) Two

(c) Yes, construction work in respect of both is completed.

(d) 61 weavers' families have occupied the tenaments in the weavers' colony at Sholapur.

In the weavers colony of Maindargi, the construction work has recently completed and the tenaments will be allotted to the weaver-members of the society shortly.

### Import of Tanganyika Cotton

**1696. Shri Raghunath Singh:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Government are taking steps to encourage the import of Tanganyika cotton into India; and

(b) if so, how many bales of cotton were imported during the last six months?

**The Minister of Commerce (Shri Kanungo):** (a) Government's policy is to permit imports of cotton stapling 1-1/16" and above and the imports can be made from any country including Tanganyika.

(b) During the six months December 1958 to May, 1959 (for which statistics are available) 411 bales of cotton were imported from Tanganyika.

### Cruel Sports

**1697. Pandit D. N. Tiwary:** Will the Prime Minister be pleased to state:

(a) whether he has received any communication from the Indian High Commissioner in London about the protest lodged by the 'League Against Cruel Sports, London' regarding the arrangements made in India for showing to a British Peer and his wife a tiger killing a staked buffalo; and

(b) if so, whether any steps have been taken to stop such cruel sports and games?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) Yes.

(b) Government are considering what action to take in the matter.

### Raising of Additional Resources

**1698. Shri Panigrahi:** Will the Minister of Planning be pleased to refer to the reply given to Unstarred Question No. 1753 on the 11th March, 1959 and state whether precise estimates for raising additional resources from assessment and recovery of betterment fees, special assessment on agricultural land used for non-agricultural purposes, improvement in tax administration and from small savings drive have since been worked out?

**The Deputy Minister of Planning (Shri S. N. Mishra):** No; after a general discussion between the Planning Commission and the representatives of the Government of Orissa in October last, the matter is now left to be dealt with by the State Government.

### Consumption of Copper in Kerala State

**1699. { Shri Narayanankutty Menon:  
Shri Punnoose:**

Will the Minister of Commerce and Industry be pleased to state:

(a) the amount of copper materials which used to be consumed in the Kerala State per year before the quota system was introduced; and

(b) what is the present quota of copper allotted for consumption in the Kerala State?

**The Minister of Industry (Shri Manubhai Shah):** (a) The information has not been collected on a State-wise basis and is therefore, not available.

(b) For the current half year viz., April-September 1959 a quantity of 50 tons of copper has been placed at



the disposal of the State Director of Industries for distribution to Small Scale units in that State.

#### **Purchase of Iron Ore by State Trading Corporation**

1700. **Shri Panigrahi:** Will the Minister of Commerce and Industry be pleased to state:

(a) what is the total quantity of Iron ore for which an order had been placed by the State Trading Corporation during 1950-51;

(b) how was this order placed with producers in the States of Rajasthan, Mysore, Madras, Andhra, Orissa and Bihar; and

(c) what is the basis of allocating quotas among the producers in different States?

**The Minister of Commerce (Shri Kanungo):** (a) 39,01,704 tons

	Tons approx.
(b) Rajasthan . . . . .	1,15,000
Mysore/Andhra . . . . .	23,48,404
Orissa/Bihar . . . . .	5,01,000

Separate figures for Mysore and Andhra, and Bihar and Orissa are not readily available as several mining areas in these States fall in both the States. No purchases were made from Madras State.

(c) Orders are placed for purchase of ores in different mining areas having regard to the facilities available for movement of ore to the ports and the marketability of the ore.

#### **National Advisory Committee on Public Cooperation**

1701. **Shri Ram Krishan Gupta:** Will the Minister of Planning be pleased to state:

(a) whether it is a fact that the National Advisory Committee on Public Cooperation has recommended the

close integration of minor irrigation schemes of various departments; and

(b) if so, the nature of steps taken or proposed to be taken to implement this recommendation.

**The Deputy Minister of Planning (Shri S. N. Mishra):** (a) Yes, Sir.

(b) The recommendation has been circulated to State Governments, Central Ministries and All-India Voluntary Organisations for such action as may be necessary.

#### **Encounter with Pakistanis in Jammu**

1702. { **Shri Ajit Singh Sarkadi:**  
**Shri Raghunath Singh:**

Will the Prime Minister be pleased to state:

(a) whether there was any encounter with two Pakistanis in West of Jammu on or about the 30th May, 1950,

(b) if so, the nature of encounter and its details; and

(c) who were involved in the encounter—Pakistani soldiers or spies or both?

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** (a) On 30th May, 1950, at about 0225 hours, our ambush party in the Akhnur area challenged a group of 4 or 5 Pakistan infiltrators.

(b) The infiltrators opened fire. Our party returned the fire in self-defence, as a result of which 2 of the infiltrators were killed. Others escaped. No casualties were suffered by our side.

(c) No definite information is available.

**मनकाना साहब तौरा बाबा**

१७०३. श्री रघुनाथ सिंह: क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि शिरोमणि मुख्तार प्रबन्धक समिति ने पश्चिम पंजाब

में ननकाना साहब तीर्थयात्रा के निमित्त एक हजार व्यक्तियों के लिये पासपोर्ट के लिये आवेदन किया था; और

(ख) यदि हां, तो इस तीर्थयात्रा के लिये सरकार द्वारा क्या सुविधाएँ दी गईं?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू): (क) और (ख) पिछले नवम्बर में गुरु नानक के जन्म दिवस पर ४६५ लोगों ने ननकाना साहब जाने के लिए भारत-पाकिस्तान पासपोर्ट की सुविधाएँ प्राप्त करने की भ्रष्टियाँ दी थी। इनमें से ४५७ लोगों को पासपोर्ट की सुविधाएँ दी गई थी। ८ लोगों को सर्वजनिक हित का ध्यान रखते हुए पासपोर्ट की सुविधाएँ नहीं दी गईं।

#### Exhibition of Indian Handicrafts in Foreign Countries

1764. Shri Raghunath Singh: Will the Minister of Commerce and Industry be pleased to state.

(a) whether it is a fact that many countries have approached India for the exhibition of Indian Handicrafts in their countries; and

(b) if so, the names of those countries?

The Minister of Industry (Shri Manubhai Shah): (a) and (b) Government have not received any official invitation for exhibition exclusively of Indian handicrafts in foreign countries. However, Indian handicrafts are being invariably displayed in the international Trade Fairs/Exhibitions in which the Government participates.

#### Export of Tobacco

1765. Shri Raghunath Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of unmanufactured tobacco exported in 1959 so far; and

(b) which of the countries are competing with India in the foreign tobacco market?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) During January-May 1959, the exports amounted to 42 million lbs. Statistics for the remaining period are not yet available.

(b) United States of America, Rhodesia and Nyasaland and, to a lesser extent, Canada.

#### Cycles Production in Punjab

1766. Shri Ajit Singh Sarhadi: Will the Minister of Commerce and Industry be pleased to state the total production of Cycles in Punjab during 1959 so far?

The Minister of Industry (Shri Manubhai Shah):

Large scale sector 1,39,432 bicycles  
(January to June '59)

Small scale sector Figures are being collected

#### Indian Arts and Crafts Exhibitions Abroad

1767. Shri Bibhanti Mishra: Will the Minister of Commerce and Industry be pleased to state:

(a) the number of Indian Arts and Crafts Exhibitions organised abroad during the year 1958-59;

(b) the agencies which organised them; and

(c) how many of them were organised merely for better cultural relations with our country and how many for sales of goods?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) and (b). The number of Wholly Indian Arts & Crafts Exhibitions organised abroad during 1958-59 is 3. In 10 other Exhibitions of this type, India participated by sending exhibits. In

addition to the above, Indian handicrafts were displayed at 20 Exhibitions held for Commercial publicity, which were either wholly Indian or in which India participated at the invitation of the Foreign Government concerned. Indian crafts were also exhibited in various Showrooms established for commercial publicity in Indian Missions abroad. Out of 12 Arts & Crafts Exhibitions in which India took part 2 were organised by the Indian Missions abroad, and 10 by Foreign Organisations.

(c) 10 for promotion of cultural relations and others for trade publicity.

**हिमाचल प्रदेश में लकड़ी की लुगदी का उद्योग**

१७०८. श्री पद्म देव : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि हिमाचल प्रदेश में लकड़ी की लुगदी के उद्योग की स्थापना के सम्बन्ध में कुछ विदेशी विशेषज्ञ भारत बुलाये गये हैं ;

(ख) क्या इन विशेषज्ञों ने इस बीच सरकार को अपनी रिपोर्ट पेश कर दी है, और

(ग) यदि हा, तो उस पर सरकार क्या कार्यवाही करना चाहती है ?

**उद्योग मंत्री (श्री मनुमाई साह) :**  
(क) और (ख). जी, हाँ ।

(ग) रिपोर्ट पर विचार हो रहा है ।

**संयुक्त राज्य संघ सचिवालय में नियुक्त भारतीय**

१७०९. श्री शंकर : क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि :

(क) संयुक्त राज्य संघ सचिवालय में कितने भारतीय पदाधिकारी और कर्मचारी काम कर रहे हैं ;

(ख) उपरोक्त कार्यालय में किस देश के राष्ट्रजन सब के अधिक संख्या में कार्य करते हैं ; और

(ग) दूसरे देशों के और भारत के कर्मचारियों का अनुपात क्या है ?

**प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू) :** (क) ३१-८-५८ को जिन जगहों पर भारतीय लोग काम कर रहे थे, उनकी संख्या ६४ थी । तब से कोई महत्वपूर्ण परिवर्तन नहीं हुआ है ।

(ख) अंतर्राष्ट्रीय स्तर पर जो जगहें भरी गई हैं, उनमें सब से ज्यादा संख्या अमरीका की है, अर्थात् कुल १२३६ जगहों में से ३३६ जगहें अमरीका के पास हैं ।

(ग) संयुक्त राष्ट्र ने अपने ८२ सदस्य राज्यों में से हर राज्य से लिए जाने वाले कर्मचारियों की एक 'उचित सीमा निर्धारित कर दी है । संयुक्त राष्ट्र के बजट में इन राज्यों का जो हिस्सा होता है, उसके अनुपात से यह सीमा आमतौर से निश्चित की जाती है । भारत के लिए यह सीमा २६-४६ पर निश्चित की गई है, फिर भी भारत के पास ६४ जगहें हैं ।

**फरीदाबाद में लघु उद्योग**

१७१०. श्री प्रकाश और सास्त्री : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि .

(क) फरीदाबाद के बाईं संख्या ४ में लघु उद्योग प्रारम्भ करने में क्या प्रगति की गई है, और व कब से चालू हो जायेंगे ;

(ख) सरकार द्वारा इन पर कितना व्यय किया जायेगा ; और

(ग) इन उद्योगों से कितने व्यक्तियों को रोजगार मिलने की आशा है ?

**उद्योग मंत्री (श्री मनुमाई साह) :**  
(क) से (ग). माननीय सदस्य सायब फरीदाबाद बस्ती में नेबरहुड सं. ४ का उद्घाटन कर रहे हैं । इस जगह में लघु उद्योग शुरू करने का इस समय कोई प्रस्ताव नहीं है ।

### फरीदाबाद में कारखाने

१७११. श्री प्रकाश वीर शास्त्री :  
क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या फरीदाबाद में पिछले दो वर्षों में कुछ नए कारखाने खोल गए हैं ;

(ख) यदि हा, तो कितने ;

(ग) फरीदाबाद में स्थित कारखानों में सरकार ने कुल कितनी पूजी लगाई है ;

(घ) इन कारखानों में कार्य कर रहे फरीदाबाद के मजदूरों का प्रतिशत कितना है ; और

(ङ) क्या फरीदाबाद में कुछ ऐसे भी कारखाने हैं जहां स्थानीय मजदूरों को या तो बिल्कुल रखा ही नहीं गया प्रथवा बहुत थोड़ी संख्या में रखा गया है ?

उद्योग मंत्री (श्री मनुभाई काह) :  
(क) जी, हा ।

(ख) चौदह ।

(ग) ४,११,७६७ रु० ।

(घ) ४६ ६ प्रतिशत ।

(ङ) जहां तक हमें जानकारी उपलब्ध है, ऐसा नहीं हुआ है । भाग (ख) में उल्लिखित चौदह कारखानों में कुल १०६४ व्यक्ति काम कर रहे हैं और इनमें से ६३७ विस्थापित हैं ।

बुनकरों को बिस्त्रों में प्रशिक्षण

१७१२. श्री पद्मलाल बाबुलाल :  
क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि भारतीय बुनकरों को भविष्य में उनी कपड़ों में सुधार करने की दृष्टि से प्रशिक्षण देने के लिये विदेश भेजने की कोई योजना है ?

वाणिज्य मंत्री (श्री कान्हुलाल) : जी, नहीं ।

### Export of Barytes

1718. Shri K. S. Ramaswamy: Will the Minister of Commerce and Industry be pleased to state:

(a) the value and quantity of Barytes exported to foreign countries during the first three years of the Second Five Year Plan; and

(b) the steps taken to improve the quality of this commodity?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):

(a)

Year	Quantity in tons	Value in '000 of Rs.
1956-57	10,022	1079
1957-58	18,400	2266
1958-59	18,050	2180

(b) No special steps have so far been taken

### फोटोग्राफी के साधन का कारखाना

१७१४. श्री मोहन स्वयंभू : क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि बम्बई राज्य में फोटोग्राफी का कामकाज और फिल्म का एक कारखाना स्थापित किया जायेगा ;

(ख) क्या यह भी सच है कि इस सम्बन्ध में कोई निजी फर्म प्रयोग कर रही है ; और

(ग) यदि हा, तो यह योजना कब कार्यान्वयन की जायेगी ?

उद्योग मंत्री (श्री मनुभाई काह) :

( ) से (ग). सरकार ने अभी हाल ही में एक प्राइवेट फर्म की एक योजना मंजूर की है, जिसके अनुसार बम्बई राज्य में फोटोग्राफी का कामकाज बनाने का एक कारखाना खोला जायेगा । फर्म की भाषा है कि १९६१ का वर्ष संपाद होने से पहले-यहसे यह उद्घाटन प्रारम्भ कर देगी ।

**Development of Backward Areas**

1715. **Shri Kalika Singh:** Will the Minister of Planning be pleased to state:

(a) the amounts, if any, sanctioned by the Planning Commission outside the Plan-ceiling for development of the backward areas for each State and territory during the years 1956-57, 1957-58 and 1958-59;

(b) the backward areas benefited by the aforesaid amounts in each State and territory; and

(c) the criteria adopted for fixing the amounts for states and Union Territories?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Provision for backward areas in each State and Union Territory is an integral part of its Plan.

(b) and (c) Do not arise

**Export of Kuth Oil from Kashmir**

1716. **Shri P. C. Borooah:** Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Kashmir Government have approached the Central Government for the export of oil from Kuth herb to foreign countries; and

(b) whether this has been tested to be of good quality?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra): (a) No, Sir.

(b) Does not arise

**Cellulose Pulp**

1717. { **Shri P. K. Deo:**  
**Shri B. C. Prodhan:**

Will the Minister of Commerce and Industry be pleased to state:

(a) the quantity of cellulose pulp produced in India and how much of it is imported; and

(b) whether such pulp could be manufactured from the raw materials available in this country?

The Minister of Industry (Shri Manubhai Shah): (a) It is presumed that the Honourable Member has in view Rayon Grade Pulp. If so, there is no production in the country at the moment. The present total requirements of the same is 45,000 tons per year, which is entirely met from imports. One scheme for manufacturing Rayon Grade Pulp has been approved.

(b) Yes, Sir

**Employees of the C.P.W.D.**

1718. **Shri C. L. Gupta:** Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the Central Public Works Department's work-charged staff are entitled to pension after being declared permanent;

(b) whether their previous service is taken into account for the above purpose on transfer to the regular establishment; and

(c) if not, the reasons therefor?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) Yes. Such of those permanent members of the work-charged staff who have rendered not less than 30 years' service and are either over 55 years of age or incapacitated for further service are entitled to pension on retirement.

(b) The previous service rendered on the work-charged establishment by work-charged staff who were employed in one or the other of the 35 categories of posts which have been transferred to the regular establishment, will, after their transfer to regular establishment count to the extent mentioned in the principles approved by the Government of India in the Ministry of Works, Housing and Supply letter No. 6-6-58-WCE, dated the 6th November, 1958. Work-charged staff transferred to the regu-

lar establishment otherwise than in accordance with the scheme referred to above) are not entitled to count their past work-charged service for any purpose on the regular establishment.

(c) The two establishments namely, "regular" and "work-charged", are quite distinct and entirely separate, with different terms and conditions of service.

**C.H.S. Scheme for Work-Charged Staff of C.P.W.D.**

1719. Shri C. L. Gupta: Will the Minister of Works, Housing and Supply be pleased to state:

(a) whether the members of the work-charged establishment of the Central Public Works Department are allowed to take advantage of the C.H.S. Scheme; and

(b) if not, the reasons therefor?

The Minister of Works, Housing and Supply (Shri K. C. Reddy): (a) No.

(b) The work-charged staff are not eligible for the Contributory Health Service Scheme as they are not entitled to the concessions in the Central Services (Medical) Attendance Rules, on which the Contributory Health Service Scheme is based. The Central Public Works Department has, however, provided outdoor treatment to the work-charged staff, excluding their family, through Departmental Dispensaries at Delhi, Calcutta, Rangpo (Sikkim) and Nasik.

**Amount Allocated to Punjab**

1720. Shri Daljit Singh: Will the Minister of Planning be pleased to state:

(a) the amount lapsed out of the total amount allocated to Punjab State during the first three years of the Second Five Year Plan; and

(b) the reasons therefor?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) The expenditure incurred under the State Plan of Punjab during 1956-57 and 1957-58 was Rs. 21.9 crores and Rs. 26.7 crores as compared to the approved outlay of Rs. 34 crores and 34.8 crores respectively. During 1958-59, the approved outlay was Rs. 33.8 crores and the actual expenditure was about Rs. 28.4 crores.

(b) The main reasons for the shortfall in expenditure understood to be are reorganization of the State in 1956, time taken in completion of essential preliminaries, delay in recruitment of technical staff, shortage of technical personnel under certain categories and of key materials like steel, cement etc.

**Handloom Industry in Punjab**

1721. Shri Daljit Singh: Will the Minister of Commerce and Industry be pleased to state:

(a) whether Government have received any proposals from the Punjab Government for giving assistance to the Handloom Industry of the State;

(b) if so, the details of the proposal; and

(c) the action taken thereon by Government?

The Minister of Commerce (Shri Kanungo): (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the House.

**STATEMENT**

The following schemes for the development of handloom industry, involving an expenditure of Rs. 1,86,000 as loan and Rs. 4,77,280 as grant have been received from the Government of Punjab during the current financial year:

1. (a) Scheme for sales depot.  
(b) Scheme for Central depot.
2. Scheme for improved appliances.

3. Scheme for mobile vans.
4. Scheme for rebate.
5. Scheme for publicity and propaganda.
6. Scheme for participation in exhibitions.
7. Scheme for purchase of samples.
8. Scheme for training in salesmanship.
9. Wool.
  - (a) Scheme for supply of improved appliances
  - (b) Scheme for running cost of two wool sales depots for second year
10. Scheme for registration of handlooms.
11. Scheme for financing share capital.
12. Scheme for collection of statistics.
13. Scheme for distribution of yarn to Apex Societies.
14. Scheme for renovation of existing weavers' houses
15. Scheme for appointment of hawkers
16. Scheme for establishment of weavers' housing colony.
17. Scheme for setting up of wool sorting, grading and making demonstration.
18. Scheme for setting up of carding plant.
19. Scheme for design and research centre.
20. Scheme for dye houses
21. Scheme for central organisation.
22. Scheme for credit facilities to weavers' cooperative societies for subsidising rate of interest in the Reserve Bank Scheme.

The State Government have been informed that they can implement the schemes at serial numbers, (1) to (8) above. The schemes at serial numbers (20) to (22) are under consideration. The remaining ten schemes have been referred back to the

State Government for further particulars.

#### Disputes in Calcutta Tramways and Calcutta Docks

1722. { Shri L. Achaw Singh:  
Shri Anthony Pillai:

Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that a senior official of the Ministry was deputed to conduct an enquiry into the Calcutta Tramways and Calcutta Docks disputes;

(b) if so, whether he has submitted his reports; and

(c) what are his main findings?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes

(b) Not yet.

(c) Does not arise

#### Labour Appellate Tribunal

1723. { Shri Anthony Pillai:  
Shri L. Achaw Singh:

Will the Minister of Labour and Employment be pleased to state:

(a) the nature of appeals preferred against awards given by the Labour Appellate Tribunal on issues relating to non-employment that are still pending before the Supreme Court; and

(b) whether any steps are being taken to secure early disposal of these appeals?

The Deputy Minister of Labour (Shri Abid Ali): (a) The information is not available.

(b) The Supreme Court has intimated that consistent with the priorities to be accorded to other urgent matters, it has always accorded priority to appeals relating to industrial matters.

**Population vis-a-vis National Income**

1724. Shri Chandak: Will the Minister of Planning be pleased to state

(a) the growth of population vis-a-vis National Income during the period from 1951-52 to 1958-59 year-wise, and

(b) the effect of the Five Year Plans on them?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) and (b). A statement is laid on the Table of the House. [See Appendix III, annexure No 51]

**मध्य प्रदेश में लघु और कुटीर उद्योग**

१७२५. श्री चांडक क्या वास्तव्य लघु उद्योग मंत्री यह बतान की कृपा करेंगे कि मध्य प्रदेश में कुटीर धार लघु उद्योगों सम्बन्धी किन योजनाओं को केन्द्रिय सरकार की सहायता से क्रियान्वित किया जा रहा है। और वे इस समय किस प्रवस्था में हैं?

उद्योग मंत्री (श्री मनुभाई साहू) वास्तविक जानकारी नष्ट की जा रही है। और यथा क्षीय सदन की भेज पर रख दी जायगी।

**Crafts of Handicrafts in Assam**

1726 Shrimati Manjula Devi: Will the Minister of Commerce and Industry be pleased to state-

(a) whether it is a fact that the Central Government have sanctioned a few more centres of handicrafts in Assam State; and

(b) if so, the amount granted for this purpose?

The Minister of Industry (Shri Manubhai Shah): (a) and (b). Besides the schemes being continued from the last year, three new schemes have been sanctioned for development of handicrafts in Assam State during the current year. A Grant of Rs. 1.50 lakhs and a loan of Rs. 0.50 lakhs have been allocated as Central assistance for these schemes for the year 1959-60.

**Part-time jobs in Delhi**

1727. Shri F. C. Borooah: Will the Minister of Labour and Employment be pleased to state:

(a) whether it is a fact that a scheme to provide part-time jobs has been introduced in the Employment Exchange, Delhi; and

(b) if so, how many people have been provided part-time jobs till the 31st July, 1959?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) 15

**Nagas**

1728. Shri F. C. Borooah: Will the Prime Minister be pleased to state:

(a) whether it is a fact that 400 Nagas surrendered on the 26th May, 1959 along with 80 weapons and one "General" was also captured; and

(b) if so, the details of the incident?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b) On 26th May, 1959, 81 Naga hostiles, including one "Volunteer President" surrendered along with 26 weapons at Noksan in Naga Hills Tuensang Area. 477 Naga hostiles with 74 arms surrendered during the period 21st to 31st May, 1959. These surrenders are in response to the general amnesty which is still in force in NHTA.

**Bicycle Units in Madras State**

1729 { Shri S. B. Arumugham:  
Shri Ganapathy:

Will the Minister of Commerce and Industry be pleased to state:

(a) how many ancillary units are functioning in Madras State for manufacture of bicycles;

(b) what is the annual output of these units; and



(c) the amount of financial assistance given to them by the Central Government upto the 31st March, 1950?

The Minister of Industry (Shri Manubhai Shah): The information is being collected and will be laid on the Table of the House in due course

**Small Scale Industries in Rampur District (UP)**

1720. Shri S A Mehdi: Will the Minister of Commerce and Industry be pleased to state.

(a) how many small scale industries in Rampur district of UP are getting assistance from the Small Scale Industries Service Institute, and

(b) the nature of assistance given and the names of the factories?

The Minister of Industry (Shri Manubhai Shah). (a) and (b) A statement is given below:

**STATEMENT**

The technical staff of the Branch Small Industries Service Institute, Agra have visited many small industrial establishments in Rampur district of UP and have made a survey of the industrial potential there and also have given technical assistance in many cases. Advice has been mainly on improving the techniques of production by small units. Names of parties given such assistance are not readily available.

**UPI News Agency**

1721 Shri Assar: Will the Minister of Information and Broadcasting be pleased to state

(a) whether Government have recovered any amount from the United Press of India after it went into liquidation last year,

(b) if so, the details thereof,

(c) who was appointed as the liquidator and whether the liquidation process is over;

(d) what is the total amount paid by Government to the United Press of India during the last ten years under different heads,

(e) how many journalists and technicians became unemployed and how many of them since got employment,

(f) whether Government have received any representation from the UPI employees, and

(g) if so, the action taken thereon?

The Minister of Information and Broadcasting (Dr Keskar): (a) to (c) No amount has been recovered from the UPI after its liquidation. Shri K. K. Ghosh, Attorney-at-Law, High Court, Calcutta, has been appointed as the Official Liquidator and the creditors have not yet been invited by him to file their claims

(d) Details of payments made towards subscription to the UPI service during the ten years up to 30-9-1950 are given below —

Directorate General, All India Radio	6,56,568/23
Press Information Bureau	25,500/00
Ministry of External Affairs	51,750/00
Ministry of Home Affairs	10,450/00

(e) According to information furnished by the UPI Employees Union, about 350 employees were involved. Government have no information as to how many have been able to get employment.

(f) and (g) Government had received representations from the Employees Union many months back. As far as the question of alternative employment is concerned, Government tried to help by making recommendations to the other agency and various newspapers. Regarding the suggestion made about an alternative news agency, Government stated that it will welcome the formation of another agency, but as an agency is an independent body it was not for Government either to approve any particular scheme or reject it. Government

however indicated that they would welcome and encourage the formation of a really stable and good agency in the place of UPI.

**Export of Tea to U.K**

1732. { Shri P. C. Borooah:  
Shrimati Masida Ahmed:

Will the Minister of Commerce and Industry be pleased to state:

(a) whether it is a fact that Indian tea received in the U.K. for the first five months of this year was the lowest in three years i.e. 97 million lbs compared with 116.8 million lbs. in 1958 and 179 million lbs. in 1957;

(b) if so, the reasons therefor; and

(c) the steps taken to regain the market?

The Deputy Minister of Commerce and Industry (Shri Satish Chandra):  
(a) Yes, Sir

(b) The decline was probably due to the fact that total imports of tea by the U.K. during the period January-May 1959 were the lowest in the three years and also due to the non-availability in India of sufficient stocks of quality teas commonly in demand.

(c) The Tea Board has taken steps to study the latest market trends

**Manipur State Handloom Weavers' Co-operative Society**

1733. Shri L. Achaw Singh: Will the Minister of Commerce and Industry be pleased to state

(a) whether it is a fact that the Manipur Administration have decided to contribute in the share capital structure of the Manipur State Handloom Weavers' Co-operative Society; and

(b) if so, the amount of share capital to be contributed?

The Minister of Commerce (Shri Kannegar): (a) Yes, Sir.

(b) Rs. 6,500/-.

12.30 hrs.

**MOTIONS FOR ADJOURNMENT**

**SITUATION IN INDIA'S NORTHERN BORDER**

Mr Speaker: I have received notices of some adjournment motions from Shri Hem Barua, Shri Goray, Shri Braj Raj Singh, Shri Harish Chandra Sharma, Shri Vajpayee and another hon Member Shri Hem Barua's motion relates to this

"The serious threat to peace and solidarity of our North-East Frontier arising out of the reported entry of about 1,000 Chinese troops into the Indian territory through Nathu La Pass on the Kameng Frontier Division, NEFA, and the hoisting of the Chinese Flag on the Indian side, recently"

Now, the other four relate to the same matter

Shri Vajpayee (Bairampur). My adjournment motion does not relate to this matter because it has already been contradicted by the hon Prime Minister

Mr Speaker: Very well, Shri Goray's is the same thing

Shri Goray (Poona) It is different, Sir As the Prime Minister has pointed out, there were some mistakes about location and all that I have said that in the Subanseri and Kameng division of Nepal there have been incursions of Chinese troops Some of our patrols have been pushed back My information is that they were disarmed and thrown out We want to know what is the policy of the Government because it is a very grave question and it is likely to affect the politics not

only of this country but other countries also in South-East Asia. So, I would like this whole question to be discussed. Let the House know where it stands. The Prime Minister said that if we want to take any firm action, this House will have to bear the burden. We are ready to bear the burden but let us know for what we are asked to bear it.

**Mr. Speaker:** Shri Hem Barua refers to the NEFA territory and the Kameng Frontier Division and the hoisting of the Chinese flag on the Indian side. Shri Goray included Subanseri and Kameng Division of Nepal adjoining Tibet. He also says:

"It would appear that the Chinese troops have undertaken a systematic probing of our frontiers in Ladakh and Nepal."

Shri Braj Raj Singh has included Ladakh and says:

"...unless checked might prove harmful to the country's safety."

Shri Vajpayee's motion reads:

"To discuss the explosive situation arising out of the reported exchange of fire between Chinese forces and Indian border pickets in NEFA area recently."

Then, there is another one. I did not even propose to read this but all the same it is connected with this.

Shri Kamble's motion read:

"Alleged extensive probing by Chinese forces of India's defences and the vacillating and indeterminate attitude of Union Government (Ministry of Defence) resulting in (i) complete absence of policy and (ii) not taking the Parliament into confidence."

So, they are all related to the alleged disturbances and incursions by the Chinese troops in many places in the NEFA area. In one or two motions, Ladakh and Nepal are also included. We had enough discussion

regarding Ladakh and Nepal. Now, the hon. Prime Minister.

**Shri Hem Barua (Gauhati):** About the Nathu La Pass.....

**Mr. Speaker:** Order, order. After all, the hon. Member can depend only on newspaper reports. Let us hear the hon. Prime Minister.

**Shri Hem Barua:** I just want to say a word. I am very happy the Prime Minister has contradicted this news, because we do not want this sort of awkward interventions. About the Nathu La Pass the Prime Minister said that it does not lie there. The newspaper also has not mentioned that the Nathu La Pass is lying there. The only thing that that newspaper has said is that it has to pass through the Nathu La Pass, and that is the Pass which was used by Dalai Lama while he entered into this country.

**Some Hon. Members:** No, no.

**Shri Hem Barua:** That might be a mistake, but the paper has not said that it is lying there.

**Shri C. D. Pande (Naini Tal):** Some mistake in geography.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** Sir, I can very well understand the anxiety of the House to have information as fully as possible about this situation on our border areas. It is rather difficult for me to deal with these various adjournment motions as they are often based on wrong names, wrong areas, wrong locations. So, instead of my endeavouring to deal with each adjournment motion, I shall give some specific information.

**Shri Hem Barua's motion is completely upside down—one name here, one place there—and has no connection with the events or anything. He has derived it from some paper (Interruption). Sir, may I continue?**

[Shri Jawaharlal Nehru]

In the course of the last two or three years, sometimes, not very frequently, there have been cases of some kind of petty intrusion on our border areas by some platoon or something of the Chinese troops, which was nothing very extraordinary, because there is no demarcation at all and parties sometimes may cross. We drew the attention of the Chinese Government in 1957-58 to this and they withdrew, there the matter ended.

One instance I have already quoted, which was a more serious one. In Ladakh last year, a small police party was apprehended by them, and that matter is still under dispute or under correspondence. Now, in June this year, the Chinese Government protested to us that Indian troops had shelled and intruded into Chinese territory by occupying a place on the border, Migyitun, and some other place along the frontier—this is Tibet-NEFA—and they accused us that our troops had entered into some kind of collusion with the Tibetan rebel forces or "bandits", as they call them, carrying on illegal activities against the People's Government of China. We replied that there is no truth in this allegation, and we expressed surprise that the Chinese Government should give credence to these wrong allegations. Ultimately, nothing happened there. We stayed where we were, and there was some dispute about the line.

Now, there are two matters that I would particularly like to mention, one, of course, is of very considerable importance and it is topical now. I shall come to it later. The first one is that on the 7th August an armed Chinese patrol, approximately 200 strong, violated our border at Khinze-mane north of Chuthangmu in the Kameng Frontier Division. When requested to withdraw, they pushed back, actually physically pushed back, our greatly out-numbered patrol to a bridge at Drokung Samba. Our people consisted of ten or a dozen police-

men and they were about 200, about ten times us. They actually physically pushed our men back. There was no firing. Later on, the Chinese detachment withdrew and our forces again established themselves. All this was over a question of about two miles. I might say, according to us, there is an international border. Two miles on this side is this bridge and two miles on that side is our picket or the small force. So, our patrol party was pushed back to the bridge and two miles away they stood facing each other. Then both retired. It is not quite clear to me why they did so, it is a mountain and perhaps during night time both the forces retired. Whatever it was later on the Chinese withdrew and our picket went back to the frontier and established a small picket there. The Chinese patrol arrived later and demanded immediate withdrawal of our picket and lowering of our flag there. This request was refused. Then there was some attempt by the Chinese forces to outflank our people, but so far as we know our people remained there and nothing further happened, that is, on the border itself. That is one instance which happened about two weeks ago.

The present incident I am talking about is a very recent one and, in fact, is a continuing one. On the 25th August, that is three days ago, a strong Chinese detachment crossed into our territory in the Subansiri Frontier Division at a place south of Migyitun and opened fire. Hon. Members will remember, I just mentioned Migyitun in connection with the Chinese protest that we have violated their territory and were in collusion with some Tibetan rebels. That was their protest made in June last, and there the matter ended. Now, round about that area, a little further away but not far from it, this Chinese detachment came and met, some distance away, our forward picket of about a dozen persons. It is said that they fired at our forward picket. They were much larger in numbers, it is

difficult to say in what numbers, but they were in some hundreds, 200, 300 or, may be, even more. They surrounded this forward picket which consisted of 12 men—1 N.C.O. and 11 Rifemen of the Assam Rifles. They apparently apprehended this lot. Later, apparently, 8 of these 11 Rifemen managed to escape. They came back to our outpost. The outpost is at a place called Longju. Longju is about 3 or 4 miles from our frontier between Tibet and India as we conceive it. Longju is five days' march from another post of ours in the interior, a little bigger post called Lumeiking. Lumeiking is about 12 days' march from the next place behind it. So, in a way, this Longju is about three weeks' march from a road-head. I merely mention this to give the House some idea of communications, transport, distance and time taken. I was saying, on the 25th they captured this forward picket of ours, but 8 of them, having been captured, apparently, escaped and came back on the 26th the next day. The Chinese again came and opened fire and practically encircled this picket and the post. In fact, they came forward and encircled this post, Longju, and although there was firing for a considerable time, we had no account of any casualties. Our people apparently fired back too. When those people were more or less surrounded at Longju they left that picket and withdrew under this overwhelming pressure. This has happened only the day before yesterday evening. So, we have not been able to get any exact particulars of what has happened.

The moment this information came we immediately protested to the Chinese Government about it and took certain other steps in that area to strengthen our various posts, Lumeiking and others, as we thought necessary and feasible. We have, in fact, placed all this border area of NEFA directly under our military authorities. That is to say, it was dealt with by the Assam Rifles under the

Assam Rifles Directorate which functioning under the Governor and the Governor was the agent of the Government of India in the External Affairs Ministry. The Assam Rifles will of course remain there and such other forces as will be necessary will be sent but they will function now under the army authorities and their headquarters.

All these have taken a little time. As I pointed out, it takes weeks. In this particular place, Longju, I imagine that this small picket of ours—it was probably altogether about 38—may have run short of ammunition because there was no supply coming in. We tried to send supplies by air. They were dropped but they missed them. It is a mountainous area; it is not easy. It is slightly risky to send para-troopers there, risky to the men in those mountainous areas. We do not think it was desirable or worthwhile to do so at that place,—dangerous. Anyhow, we have taken such steps as were feasible.

In fact, while I was sitting here, I have heard from our Ambassador from Peking. When he handed over this note to the Chinese authorities, the reply was that their information was different. The Director said that the information that the Chinese Government had received was contained in the note handed over to Kannampilly, one of our men there. Regarding the incident at Migyitun according to their report, it was the Indians who fired first, the Chinese frontier guards had opened fire only in self-defence. They had received no information yet of the clash at Longju on the 26th August. This is the Chinese answer. The Director said that the situation in this sector of the border was tense because Indian troops were continuously pushing forward. We see here the same kind of language, repetition of the reports we have, say, between India and Pakistan, that is, we make a statement and an exactly opposite, contrary statement is made by the other side as to who started firing.

[Shri Jawaharlal Nehru]

I confess that in these matters I give credence to our own reports and I believe it is true because I would rather believe my own men who are there and who are trained men not used to exaggeration and also because the circumstantial evidence also supports their account. In fact, our Ambassador pointed this out to the Chinese people. So, that is the position. While I do not wish to take an alarmist view of the situation—in themselves these are minor incidents it is a little difficult to understand what lies behind these minor incidents. In any event, we have to be vigilant and protect our borders as best as we can.

Shri Braj Raj Singh (Firozabad) I think we must have a two hour discussion for this subject.

Shri Goray: The point is this. It is not a question of taking any alarmist view of the position or anything like that. The real issue is about what is happening in Ladakh, Bhutan, Sikkim and in NEFA. The Prime Minister said that these localities are separated from each other by hundreds of miles. It is true, but it seems that the guiding hand behind them is the same. Therefore, the question is, what is our evaluation of the Chinese policy towards us. As I said, it is not a question of the effect it produces on us. If India fails to do its duty, I suppose the next will be Burma. After that, it will be Indonesia. It may then be Laos. All these South-east Asian countries look to us for guidance, and if we fail to protect our borders, do you mean to say that smaller countries will derive encouragement? Therefore, I want this House to discuss this matter thoroughly and the House should be taken into confidence.

Shri Khadiolkar (Ahmednagar) Are all these incidents an indication that there is a Chinese design to determine the border as shown in the map of theirs by saying that they have come under their occupation? If one studies all the incidents—I have tried

to study them—it is an indication that this is part of such a design. Their maps show that all these portions are theirs,—a transgression of the so-called MacMahon line. So, is it an indication of the Chinese design to occupy them and say "This is the border between India and China?"

Shri B. Das Gupta (Purulia). In view of the incidents off and on in Ladakh, etc., may I ask whether any proposal has been sent to the Chinese Government for any talks regarding this matter between the two Governments?

Dr Ram Subhag Singh (Sasaram) Regarding the check post, the Prime Minister said that it is very difficult to drop paratroopers. May I know whether it is possible—I do not want to suggest that it should be done straightaway—to bomb that area in order to extricate it from Chinese hands?

Shri Hem Barua (Gauhati) Ma, I know whether this incursion into NEFA which has been repeated so quickly is due to the cartographic inaccuracy in the maps about which we have complained to the Chinese Government and the Chinese Government have told us that this is the handiwork of the Chiang Kai-shek regime?

Mr Speaker: That is the same as Shri Khadiolkar's point.

Pandit Govind Malaviya (Sultanpur) Our Prime Minister has clearly indicated the general attitude of the Government in this matter. We are in a delicate situation where, on the one hand, China is a friend of ours and we have a broad foreign policy which has the approval of every section of the House, and on the other we have got to safeguard our frontiers. I wonder whether this going into minute details will help anybody or the Opposition. Why should we raise questions about these details and small things here and there? The problem is a big one. Can we not at present leave matters to the Government in such big ques-

tions and can we not have one policy on such big matters? In internal matters, we may have different policies but on matters of national honour, let us maintain a unanimous stand

Mr. Speaker: The hon Member may kindly leave it to the hon Prime Minister

Shri Jawaharlal Nehru: On the question of broad policies, well, broad policies are in our mind. We have to face here a particular situation. Any country which has to face that situation has to stand up to it. There can be no doubt about it. There is no alternative for us but to defend our country's borders and integrity. Having said that, at the same time, we must not, as often happens in such cases, become alarmist and panicky and thereby take wrong action.

13 hrs.

Obviously apart from some past information, I have given the latest information to the House, including the telegram, which came to me while I was sitting here. In this telegram apart from other things our ambassador has said

"I pointed out that four persons—it is really three—were still missing as a result of the incident of the 25th August and that on the 26th August, Chinese troops had overrun Longju which the Chinese knew very well to be within Indian territory. I reiterated our Government's wish that the Chinese Government should take immediate steps to see that there was no assertion of supposed claims by force. Differences should be settled by negotiations."

We have taken the line that minor border incidents and border differences should be settled by negotiations. We must distinguish between this and that broad approach of the Chinese maps which have with

stroke of the brush coloured hundreds of miles of Indian territory. That is totally and manifestly unacceptable and we have made it clear. We stuck to the MacMahon line. But it is quite another thing that in this long line there may be minor arguments about a mile here or a mile there. Those arguments have been there before the Chinese came to Tibet. Even with the Tibetan authorities, these arguments about a mile of grazing ground here or there have been there. We admit that these are differences which exist and which should be settled. We think we are right but let us sit round a conference table and settle them. We are prepared to take up any matter like that, but when it comes to huge chunks of territory, it is not a matter for discussion.

The one or two instances that I have stated are, again, according to us, clearly intrusion into our territory. But suppose that there is some question of a Tibetan or Chinese case about a mile here or there well, we are prepared to discuss it. But from such information as we have received and which I have placed before the House, when their forces come, envelop our check-posts and capture them after firing, it is not the normal peaceful way of approaching these questions, even if there is a dispute. Therefore, this matter becomes a much more serious one than some incidental or accidental border affray.

I think Shri Khadilkar or someone else asked about what lies behind this. I cannot say. It is not fair for me to guess—it will be guess work, of course—but I cannot imagine that all this is a precursor to anything more serious. It seems to me so foolish for anybody, including the Chinese Government to function in that way and I do not give them the credit or rather the discredit for folly. Therefore, I do not think they will do it. But so far as we are concerned we should naturally be prepared for any eventuality and without fuss or shouting keep vigilant.



[Shri Jawaharlal Nehru].

Some hon. Member, Dr. Ram Subhag Singh, I think, gave me some advice and gave some advice to our military as to how they should act, where they should air-drop and where they should not. These are things for them to consider, not for us, as to where it is possible, where it is desirable or where it is not.

An hon. Member suggested a discussion on this. I am always in favour of a discussion in this House, but I do not see how a discussion in this case will serve anyone's purpose. When things are happening, I shall place the facts before the House as they take place and if any step is to be indicated, I shall place that also before the House.

Shri Vajpayee: May I suggest that the Government should issue a White Paper detailing all these developments, our border dispute with the Chinese and this cartographic aggression, so that world opinion may be well-informed?

Shri Jawaharlal Nehru: I am prepared to consider that. It will take a little time to issue such a paper.

Mr. Speaker: In view of the elaborate statement made by the hon. Prime Minister, I do not think it is desirable that I should give consent for discussion on these adjournment motions. Consent is refused.

#### BANARAS HINDU UNIVERSITY

Shri S. L. Saksena (Maharajganj): On a point of order, Sir, I have given notice of an adjournment motion on the affairs of the Banaras Hindu University.

Mr. Speaker: I have disallowed it.

Shri S. L. Saksena: You have said that it relates to the affairs of an autonomous body. May I know if this House is not competent to discuss its affairs because it is an autonomous body?

Mr. Speaker: The hon. Member raised a point of order regarding his adjournment motion on what is happening in regard to disciplinary measures in the Banaras Hindu University. We passed a legislation the other day vesting the management in a particular committee or something like that. Regarding the day-to-day administration, I may at once state for the information of hon. Members that I am not going to allow it to be raised here. It will seriously interfere with the management of any institution and it is impossible for us to allow that kind of thing to happen. I do not think it is proper that this forum should be used to weaken the hands of the management there. Under those circumstances, I am not going to allow it.

Repeatedly questions are asked here, the moment a teacher is taken to task there. We do not sit here as an appellate body over disciplinary action taken against any individual or series of individuals. I am so sorry I would urge upon hon. Members not to give encouragement—not they intend to do so—but the very fact of bringing forward a motion for adjournment here might encourage an amount of indiscipline and it may be impossible for persons in charge of a big institution like that to manage their affairs properly because every day those people will be encouraged to look to Members of Parliament here to take up this matter. In such circumstances no autonomous body can work. We will have to scrap all autonomous bodies and ourselves manage here, distributing the various portfolios amongst the 500 Members of Parliament.

I may repeat that an adjournment motion shall not be brought up here once I disallow it. There is no purpose in bringing it up here. Even that has got a deleterious effect. In this case, I disallowed it. If I feel any doubt, I bring it up here; otherwise, I disallow it and inform the Member concerned. I have repeatedly said



that this is the procedure I am following. I am exceedingly sorry that Shri S. L. Saksena, notwithstanding the fact that I already intimated to him that I am not going to allow it, once again wanted to know the reasons for my disallowing it. I have given the reasons. I am not going to oblige him on a discussion on this matter. I would urge upon hon. Members not to raise such matters. Once I disallow it and I have also communicated my decision, if a Member is not satisfied with it and wants to persuade me, he may come to my chamber or write to me. The other day, he made a similar motion and I expected he would come. He himself dropped it and I was exceedingly happy. Ultimately he found that my refusal of consent was acceptable to him. I hope, if he seriously considers this matter also, he would not be obliged to come again to me or to raise the matter on the floor of the House.

**Pandit Govind Malaviya:** Can any other Member also have the privilege of seeing you in your chamber?

**Mr. Speaker:** Every Member is entitled to see me in my chamber.

**Pandit Govind Malaviya:** This motion came as a surprise to me, I did not know anything about it. I should like to see you in your chamber.

**Mr. Speaker:** I am always available in my chamber.

#### PAPERS LAID ON THE TABLE

##### ANNUAL REPORT OF ASHOKA HOTELS LIMITED

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** I beg to lay on the Table a copy of each of the following papers—

- (1) Annual Report of the Ashoka Hotels Limited for the year ended 30th September, 1958 along with the Audited Accounts, under sub-section

(1) of Section 639 of the Companies Act, 1956

- (2) Review by Government on the above subject. [Placed in library, See No. LT-1571, 59]

##### ANNUAL REPORT OF HEAVY ELECTRICALS PRIVATE LIMITED

**The Deputy Minister of Labour (Shri Abid Ali):** On behalf of Shri Manubhai Shah, I beg to lay on the Table a copy of each of the following papers—

- (1) Annual Report of the Heavy Electricals Private Limited for the year 1957-58 along with the Audited Accounts and comments of the Comptroller and Auditor General thereon, under sub-section (1) of Section 639 of the Companies Act, 1956

- (2) Review by Government on the above Report [Placed in Library, See No. LT-1572/59]

13 10 hrs.

#### CORRECTION OF ANSWER TO SHORT NOTICE QUESTION NO. 7

**The Deputy Minister of Labour (Shri Abid Ali):** With your permission, I would like to make a little correction to the answer to the question on the Gorakhpur Labour Organisation. There are 147 employees in the organisation out of which 134 will be rendered unemployed. That matter is under the consideration of Government.

#### MESSAGE FROM RAJYA SABHA

**Secretary:** Sir, I have to report the following message received from the Secretary of Rajya Sabha—

"In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return

[Secretary].

herewith the International Monetary Fund and Bank (Amendment) Bill, 1959, which was passed by the Lok Sabha at its sitting held on the 22nd August, 1959, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

### CALLING ATTENTION TO A MATTER OF URGENT PUBLIC IMPORTANCE

#### REPORTED RECOMMENDATIONS OF THE PAY COMMISSION

Shri S. M. Banerjee (Kanpur). Under Rule 197, I beg to call the attention of the Minister of Finance to the following matter of urgent public importance and I request that he may make a statement thereon:—

"The reported recommendations of the Pay Commission and delay apprehended in Government's decision thereon."

The Minister of Finance (Shri Morarji Desai): The reference in the notice is presumably to the report that appeared in the press from correspondents to certain newspapers last week. The reports in question, so far as I am aware, were unauthorised and I have little to add to what I have stated in reply to starred question No 241 on the 10th August, 1959. I stated then that the Government would take decisions without avoidable delay and in the minimum possible time after the receipt of the Commission's report. It will be appreciated that Government could not have proceeded to take action on the basis of unauthorised reports appearing in the newspapers. Now that the report of the Commission has been received on the 24th instant, as already stated by the Minister of Revenue and Civil Expenditure in the Lok Sabha, it will

be examined as expeditiously as possible.

Shri S. M. Banerjee: I want a clarification.

Mr. Speaker: It is not usual to ask questions. Anyhow, I will allow it.

Shri S. M. Banerjee: I had given notice of an adjournment motion also. I want to know whether copies of the report will be supplied to the Members or whether it will be laid on the Table of the House. My fear is this: though the Government's recommendation may be there, if the House adjourns, we will not be in a position to know the contents of the report.

Mr. Speaker: The hon Minister has already stated that without the recommendation of the Government, or the resolution of the Government, it will not be placed on the Table of the House. Now what is the attitude of the Government?

Shri Morarji Desai: That question also will be decided when the matter is decided for being laid on the Table. I cannot say that it will be done immediately, because it is not a small document. It requires publication also. Printing is required. It is not a printed report. The report which I have received is a typed one. Now, the printing itself takes a lot of time.

Mr. Speaker: We have hardly a fortnight with us. The hon Members want to know if there is any chance of this report being placed on the Table of the House during this session.

Shri Morarji Desai: There is hardly any chance.

Shri Braj Raj Singh (Firozabad): In reply to an earlier question the Finance Minister replied that the decision of the Government will be known before the end of the year. Now since the report is in their hands, may we have some sort of a deadline by which the decision will be known?

Shri Morarji Desai: My reply stands—before the end of the year it will be known

Shri Braj Raj Singh: Then the report was not in his hands, now it is in his hands.

Shri Morarji Desai: Still the position is the same

Mr. Speaker: Even then he could have anticipated that it would be in his hands by now.

Shri Vajpayee (Balrampur) Why can't the report be laid on the Table of the House now? The Government may take its decision after some time But let it be circulated

Mr. Speaker: That is a novel procedure Until the Government considers the report and passes a resolution, accepting or rejecting a particular portion of the report, they will not place it on the Table

Shri Vajpayee: In any case, they are not going to change the report as such

Shri S. M. Banerjee: The Choudhary Committee report was not placed on the Table of the House but copies were handed over to the unions belonging to that office

Shri Abid Ali: That was confidentially circulated.

Shri Morarji Desai: I am not likely to do that

13-15 hrs.

#### MOTION RE POLICY OF GOVERNMENT IN REGARD TO PUBLIC BORROWING

Shri A. C. Guha (Barasat) I beg to move

"That this House takes note of the policy of the Government in regard to public borrowing and urges upon the Government to bring necessary legislation regulating its borrowing power as envisaged in article 292 of the Constitution"

At the very outset I would like to make it clear that I am not moving this motion with alarmist attitude. I do not like to create a scare over the debt position of the Government of India I know, and I believe, that the financial position of the Government of India is quite sound My inspiration in bringing this resolution is not that we have already crossed the line of safety or has entered, or is going to enter, the danger zone But it is a question of vital importance, the principle of the authority of this House, as also the implementation of the article of the Constitution that has inspired us to move this Article 292 says

"The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of India within such limits, if any, as may from time to time be fixed by Parliament by law and to the giving of guarantees within such limits, if any, as may be so fixed"

So, it was the intention of the Constitution that such a law should be passed by Parliament that will fix the limit of the Government's authority, the authority of the executive, to raise loans and also to give guarantees for any loans

Here I should like to say something about the position of the loans The total interest-bearing obligations of the Government at the end of this financial year is estimated to be Rs 5,735 crores It has been increasing year after year at a rate of somewhat more than Rs 700 crores In 1957-58 it was Rs 4,216 crores, in 1958-59 it was Rs 4,964 crores Now in 1959-60 it is Rs 5,735 crores So, we will find that it has been increasing at the rate of a little more than Rs 700 crores annually This is the total interest-bearing obligation of the Government of India In this is included the internal loans, excluding the public loans, the treasury bills or the floating loans, small savings, depreciation and reserve fund etc, as

[Shri A. C. Guha]

also the external loans, including the sterling and dollar loans and other loans. I am not sure whether in the external loans I cited, which comes to about Rs. 661 crores, is also included the deferred payment obligation which the Government have undertaken in regard to different contracts on different industrial undertakings. I hope the Finance Minister . . .

The Minister of Finance (Shri Morarji Desai): May I say that deferred payments are not loans?

Shri A. C. Guha: But that is also an obligation which the Government have to pay. It is a deferred loan. If any contract has been made by the Government for taking certain articles on loan, on credit, that is also a loan, only a deferred loan, that is all. That loan is also to be paid with interest, and I think a rather high rate of interest.

The position will be further clear if we consider how it has moved since our independence. After partition, on 1st April 1948, the position of our loans, that is to say, our public-debt obligation was Rs. 1,795 crores. Now it has moved up to Rs. 5,735 crores. In the first year, within seven months from August 1947, by 31st March 1948 the Government incurred fresh loans of about Rs. 56 crores. The total interest-bearing liabilities came to Rs. 2,182 crores on 1st April, 1948. The interest-yielding assets then was Rs. 1,161 crores. That means, there was a gap of a little over Rs. 1,000 crores between the interest-bearing liabilities and the interest-yielding assets of the Government.

Mr. Speaker: Probably he is referring to productive and unproductive loans.

Shri A. C. Guha: The gap would be unproductive loans. The gap of these Rs. 1,000 crores should be considered as unproductive loans. Then in the interest-bearing loans all items may not be quite productive. I shall

come to that item later on. You will find from the explanatory memorandum, page 204 . . .

Mr. Speaker: How much of the total loan is outstanding at present? Out of that, how much is productive and how much is unproductive?

Shri A. C. Guha: Interest yielding assets of the Government as at present are worth Rs. 4,575 crores including . . .

Mr. Speaker: They are all productive, that is, interest bearing?

Shri A. C. Guha: Yes, they are interest yielding; but whether it is all productive or not is for the House to consider. I will only place certain facts before it. Included in this figure of Rs. 4,575 crores is Rs. 300 crores which we expect to get from Pakistan and Burma and I hope the House will agree that there is hardly any hope of getting this Rs. 300 crores from either Pakistan or Burma. So, this Rs. 300 crores should also be deducted from the interest yielding assets of Rs. 4,575 crores. Then that would come down to Rs. 4,275 crores leaving a gap of near about Rs. 1,400 crores as unproductive liabilities of the Government of India.

Then coming to page 202 of the explanatory memorandum, we find in certain industrial units of the Government an investment of about Rs. 430 crores has been made and during 1959-60 the estimated profit from these concerns is only Rs. 1,28,00,000. By investing Rs. 430 crores we are expecting to get only Rs. 1,28,00,000. If we work it out it will be 25 nP per hundred rupees. That is the amount of profit. So, we are now to decide as to how much of these investments are really productive and how much of them are unproductive.

Shri Morarka (Jhunjhun): What is the number of the page of the explanatory memorandum?

Shri A. C. Guha: Pages 202 and 203 of the Explanatory Memorandum

Shri Morarji Desai: What year?

Shri A. C. Guha: 1959-60

Shri Morarji Desai: Not always, not in every year

Shri A. C. Guha: For 1958-59 it was Rs 1,04,00,000 In 1959-60 there is an improvement and it is Rs 1,28,00,000 In 1957-58 it was somewhat better, it was Rs 1,33,00,000 So, it has been near about the same amount.

So, I was saying that the unproductive debt obligations would be about Rs 1,400 crores including the debt which we expect to get from Pakistan and Burma and for which there is hardly any hope Besides that, what has been found as productive investment, I think most of it will be considered as unproductive Here, I may mention the case of the DVC I think we have already invested about Rs 85 or Rs 100 crores or something like that but on all estimates it has now been considered that in the near future there is no expectation or possibility of any return from the DVC as an investment Of course, the hon Finance Minister may argue that it will increase the agricultural production of the country and indirectly that will be paying the country But that will be another question For an investment we expect a certain return to the Government and I think many of these investments in industrial and commercial concerns may be of that category.

I am not sure how this Rs 1,400 crores, or even taking this as Rs 1,100 crores, shown as dead weight or unproductive liabilities, has been spent or where this amount has gone I think some of it might have been invested in building some office buildings or in the construction of some capital city or something like that

Mr. Speaker: Has the hon Member  
192 LSD—A.

got the break-up, that is, how much of this has been lent to the States and how much to the private enterprises?

Shri A. C. Guha: Off-hand it is not possible for me to give, but surely it would be possible to find out. I think the hon Finance Minister would be in a better position to give these figures

Shri Morarji Desai: I cannot give them off-hand today.

Shri Morarka: Some figures of loans and advances are given Rs. 2,119 crores are indicated as loans and advances given by the Centre. This includes the States and all others.

Shri A. C. Guha: Then, another thing

Mr. Speaker: The hon Member must place before the House as to why it is necessary to pass legislation What are the advantages of passing it now? No doubt, there is a provision in the Constitution, but now what is the need when it has not been done so far?

Shri A. C. Guha: I am coming to that point But first I must give some descriptive picture of the whole situation Then I shall come to that point.

Mr. Speaker: What are the defects, if any, in borrowing? This is the manner in which it has to be viewed

Shri A. C. Guha: In debt obligations of the Government of India is also to be included what is now known as deficit financing There lies some danger I think the House may not know that deficit financing is also a loan for which the Government is paying interest, maybe a lower rate of interest of 2 per cent or 2½ per cent, to the Reserve Bank. It is a loan from the Reserve Bank of India and, I think, only this month in the return of the Reserve Bank of India, dated the 14th August, there were some entries which may be interpreted

[Shri A. C. Guha]

ed as a camouflage for the sale of treasury bills to the Government of India. There was one item in which the sale of treasury bills has gone up from Rs. 95 lakhs to a little over Rs. 4 crores. That is quite frankly stated. But there is another item where there is suddenly an increase of about Rs. 44 crores in investment of the Reserve Bank. My apprehension is that that investment must be in the purchase of the treasury bills of the Government of India.

Now, the point is that against this sort of thing which is not quite open to the public, that is, the purchase of the treasury bills and making of entries in the Reserve Bank account books in a camouflaged manner—there lies the danger—and the Parliament should have the authority to guard against such practice. Over and above this loan of the Central Government there is also the loan of the State Governments that would come to about Rs. 2,000 crores.

Now I come to the immediate future. We started this Plan with a sterling balance of about Rs. 750 crores—I think it was Rs. 746 crores or Rs. 747 crores—and we have depleted the whole thing. Moreover, we have incurred huge external obligations of about Rs. 661 crores. So, during these three years we have incurred external expenditure to the tune of about Rs. 1,400 crores and we are going to the Third Plan. I am sure in the Third Plan deficit and financing and external obligations to come would be near about Rs. 4000 crores. Parliament will have no authority for checking this and will have no control to see how money is being spent.

Under article 112 of the Constitution, interest paid on these loans of the State is a charged item. That is not to be voted by the Parliament. Article 112(3) reads:

“The following expenditure shall be expenditure charged on the Consolidated Fund of India—”

Under this clause (3), there is sub-clause (c) saying:

“debt charges for which the Government of India is liable including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;”

So, interest is to be paid from the revenue for which this House has no power to vote. It is a charged item under article 112 of the Constitution. The Government or the permanent services of the Government or the executive will go on incurring liabilities and this House will have to pay without even having the power of voting for it or opposing it by their vote.

Moreover, there should be a definite loan policy. You may recollect that upto 1953-54, most of the loan proposals of the Government of India were not successful. They proposed loans: not even half of the amount was being raised from the public. Most of these loans failed upto 1954. Since then, there has been, of course, improvement and I think even only two years ago, the market was not quite responsive to loan proposals and the State Governments were asked not to go to the open market, and the Central Government gave the necessary money to the State Governments as loans. They did not raise any loan except perhaps the State of Bombay. There should be a definite loan policy. The loan policy should be co-ordinated with the expenditure policy, with the taxation policy and the general fiscal policy of the Government.

Loan policy is also an instrument for checking inflationary tendencies in the country. But, here, in the way in which the Government's loan policy is being followed, instead of checking the inflationary tendency, it is rather helping the inflationary tendency in the country, because of this deficit financing. I think, more than

the amount that is being incurred as loan from the public, Government is incurring in deficit financing. Deficit financing is an indirect incentive to inflationary tendency. Moreover, most of the loans—I should not say most—a major portion of the loans floated by the Central Government is being subscribed by the Reserve Bank. There also, the dis-inflationary influence of the loan policy is not quite in operation when the loan is being subscribed by the Reserve Bank and not by the public.

Loans, as far as possible, should be from the ordinary people so that their surplus purchasing power may be mopped up. But, what is being done now is, it is mostly subscribed by the Reserve Bank, and through the help of the Reserve Bank or after the Reserve Bank has purchased the stocks, it sells these stocks to some of the Scheduled banks. It is only the banks and some institutions which subscribe to the loan proposals of the Government. I think the loan policy should be so regulated that the ordinary man also can subscribe to the loans of the Government of India. Government has so far failed to formulate any loan policy to induce the ordinary citizen to subscribe to the loans of the Government of India. If there had been proper check and control of Parliament, I think, with the formulation of a regular loan policy, it might have been possible also for the ordinary man to be induced to subscribe to the loan proposals of the Government of India. Then, it would have a real dis-inflationary or anti-inflationary influence.

Before Independence, the legislature had no authority; but still, I think, there was some control of the legislature.

13.33 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

But, after Independence, we have nothing to say in this matter. There has been no improvement in the situation after the attainment of Independence. The result is, sometimes,

people become complacent and the House becomes complacent about the situation. I mentioned previously that every year we are incurring a loan of a little over Rs. 700 crores. The liabilities of the Government are increasing by a little over Rs. 700 crores annually including foreign liabilities. The House may not actually realise what liabilities the nation is taking up year after year. They may simply see that it is just Rs. 100 or 150 crores or 175 crores public loan floated and may think that is the only liability that the nation has incurred during that year. If a full statement of loan liabilities of the Government is placed before the House, then, the House will be in a position to make a correct assessment and the complacency that is now prevailing in this House as also among the public will be broken and the House will be alert and will take proper precautions so that the money may be properly spent. Easy money leads to waste. When it is known that it does not require any sanction of Parliament, the executive may go in for rash proposals,—both for raising loan and for spending the loan money.

It is common talk in this House that most of the industrial projects were not executed with proper economy. I think Shri Morarka made several references in this House several times about the steel factories. The original idea was a little over Rs. 300 crores. Now, I think it is going to Rs. 600 crores and may go even more. If money is to be procured and supplied through a vote of Parliament, I think the executive would have taken greater precaution to be not so extravagant in spending the amount. So it is necessary that Parliament should have control not only in the raising of loans, but also as regards the spending of the loans. In different countries, different procedures are followed. I do not want any rigid procedure to be followed. But, there must be some mandate from the House, some mandate from the Lok Sabha that the Government may go



[Shri A. C. Guha]

in for a certain amount of loan and how that loan amount is to be spent

There is no sinking fund at present, though there is a mention of sinking fund in article 292 of the Constitution. I am not in favour of putting up a sinking fund. It is useless to put some money, immobilised in the bank, getting a lower rate of interest, at the same time, the Government going in for a public loan of that amount at a higher rate of interest. Sinking fund is not the remedy.

What is the possibility of redeeming these loans? It is almost accepted now that the loans are not to be repaid from the surplus money. The loans are going to accumulate from year to year. No country has been able to repay the loans except when they repudiate the loans. Repayment of the loans, except through further loan, is more or less out of the question. Year after year, we are paying interest charges from revenue expenditure and that is a charged item. What is the interest paid year after year? It was,

	Rs. crores
1953-54	82.8
1954-55	87.7
1955-56	96
1956-57	104
1957-58	122
1958-59	140.9
1959-60	168.2

It may be said that the Government has also got interest-yielding assets. But, what are the recoveries of the Government during these years? I have not got the figures of the last two years. Recoveries, particularly from Railways, Posts and Telegraphs and other Commercial departments, are mentioned in the Audit Report. It was

	Interest charged	Recoveries
	Rs. crores	
1953-54	82.8	42
1954-55	87.7	48
1955-56	96	54
1956-57	104	67
1957-58	122	84

In these recoveries, I think, are included also recoveries from the State Governments. How do the State Governments pay this interest? Only by taking the next bigger loan from the Government of India. Interest charges of the last year, they cannot pay from their revenues. They take a loan this year and a portion of that loan money is deducted as interest charges due on the past year. That is how they are paying. I must mention here that the Reserve Bank is making a good return every year. I think this year they are going to pay Rs. 40 crores. They are paying Rs. 30 to 35 crores to the Central Government every year. Except these three or four, Railways, Posts and Telegraphs and the Reserve Bank, and also perhaps the State Bank, most of the other investments are in a sense non-productive. As I have stated, with an investment of Rs. 430 crores, we are going to get this year an interest dividend of only Rs. 1 crore and 28 lakhs.

I should also refer you to clause (3) of article 266 of the Constitution which reads thus:

"No moneys out of the Consolidated Fund of India or the Consolidated Fund of a State shall be appropriated except in accordance with law and for the purposes and in the manner provided in this Constitution."

When we pay the interest charges from the Consolidated Fund of India, I submit that it is in violation, if not of the letter, at least of the spirit of clause 3 of article 266 of the Constitution. No law has been framed and no law has been passed to authorise the payment of interest charges or anything else from the Consolidated Fund of India. Of course, I know the hon. Minister will say that the appropriation Bill is passed, where this item is also mentioned. But I



think article 266 envisages something more than this appropriation Bill which is a routine matter

I do not see any reason on the part of Government to oppose this proposal. In 1955, there was a question in this House about this matter

Shri Morarka (Jhunjhunu) Who answered it? Was it answered by the hon. Member?

Shri A. C. Guha: Shri M C Shah replied:

"Government have at present no proposal to bring forward a Bill under article 292 of the Constitution"

When further pressed, Shri M C Shah replied:

"I can speak only about the present"  
 From the wording of the original reply and also the reply to the supplementary question, it would be quite clear that Government had then an idea of bringing forward a Bill in pursuance of article 292 of the Constitution. Otherwise, they would not have used the words 'at present' twice

Shri Morarji Desai: I shall also say 'at present'

Shri A. C. Guha: There must be some finality. We cannot go on saying 'at present' for an indefinite period

Shri Morarji Desai: 'At present' is indefinite. It means where we are

Shri A. C. Guha: 'Present' is very much definite. It ends in just a minute

Shri Morarji Desai: But it is 'present' again

Shri A. C. Guha: I am afraid I am wasting my energy, because the hon. Minister has already made up his mind.

Shri Braj Raj Singh (Firozabad): The hon. Member must have known that before.

Shri A. C. Guha: As I have stated, there is absolutely no reason why Government should not agree to this proposal. When every other country has some such procedure requiring the sanction of Parliament or of the legislature for the raising of loans or the spending of loans, I cannot understand why this country alone cannot have a similar procedure. Although there is no written constitution, even then, during the war, the British Government did not repudiate that provision of their convention or constitution or whatever you may call it; they observed this convention even during the last great war that some sanction of Parliament was necessary for raising any loan. So, why can this Government also not do it?

Moreover, I would like to refer to the speech which Dr Ambedkar made, while this particular article was adopted. It was then article 266 in the draft constitution; when the constitution was finalised, it became article 292. Several Members, including the present Speaker spoke on this particular article

Dr Ambedkar, while replying to the criticisms, said:

"This article specifically says that the borrowing power of the executive shall be subject to such limitations as Parliament may prescribe. If Parliament does not make a law, it is certainly the fault of Parliament and I should have thought it very difficult to imagine any future Parliament which will not pay sufficient or serious attention to this matter and enact a law. Under article 266, I even concede that there might be an Annual Debt Act made by Parliament prescribing or limiting the power of the executive as to how such they can borrow

I, therefore, think, that from all points of view, this article 266, as it stands, is sufficient to cover all contingencies and I have

[Shri A C Guha]

no doubt about it that, as my friend Mr Ananthasayanam Ayyangar has said, we hope that Parliament will take this matter seriously and keep on enacting laws so as to limit the borrowing authority of the Union, I go further and say that I not only hope but I expect that Parliament will discharge its duties under this article"

This was the assurance given to the Constituent Assembly when this article was passed. I think Government are duty bound and honour bound to fulfil that assurance. There is hardly any reason why Government cannot fulfil that assurance. Moreover, it is a convention in this House now that any assurance given by any Minister or anybody in authority about any matter under discussion in the House has to be fulfilled. There is also a Committee on Government Assurance to pursue this matter.

This was a serious assurance given to the Constituent Assembly, when the Constitution was passed, and I would not like that Government would now go back and say, no, we are not in a position, we are not going to fulfil that obligation or to fulfil this assurance given on the occasion of the passing of the Constitution.

Shri N. R. Muthuswamy (Vellore): It is a question of time for them to fulfil it.

Shri A C Guha. So, I beg of this House to take this matter seriously. It has been stated by Dr Ambedkar

"I should have thought it very difficult to imagine any future Parliament which will not pay sufficient or serious attention to this matter and enact a law."

He made it an obligation on the Parliament to enact such a law. If the Parliament does not agree to make such a law, it will be certainly the fault of Parliament.

I, therefore, submit that it should not be said that it is the fault of the Parliament that such a law has not been passed. I am sure Parliament will be eager to pass a law, if the Government come forward with a Bill. We cannot force it on Government. Government have got the majority in this House, therefore, it is up to Government to fulfil this obligation, and I hope this obligation will be fulfilled.

Mr. Deputy-Speaker: The majority is there so long as the hon Member is there in that party.

Shri A. C. Guha: Yes, I am also obedient to Government, so far as the party whip is concerned. I can only appeal, I cannot vote against Government.

Shri Braj Raj Singh: Why?

Mr. Deputy-Speaker: Conscience does not permit him.

Shri Morarji Deesai: The hon Member is also a part of that majority.

Shri A C. Guha: I have nothing more to say at this stage. I can only say that all the democratic countries such as UK, Australia, Canada, the USA, Denmark, Belgium etc have some form of sanction from Parliament to raise any loan, and they have been carrying on with this procedure. They also have their own developmental works, they had also their own war difficulties and other difficulties, and yet they have carried on with the sanction of Parliament. If they can carry on with the sanction of Parliament, I cannot understand why this Government cannot carry on with a similar rule. They should have no suspicions about this Parliament. Parliament has been quite generous to Government, and Parliament has not refused any reasonable demand of Government, either for money or even as regards any taxation proposal.

I hope, therefore, that Government will come forward before this House with some form of a proposal giving authority to this House for sanctioning the raising of loans,—or rather not only the raising of loans but also the spending of the loans,—and also to formulate the loan policy of Government

Shri Braj Raj Singh: How much time has been allotted for this?

Mr. Deputy-Speaker: 2½ hours

Shri Braj Raj Singh: So, it will continue

Mr. Deputy-Speaker. At 2.30 P.M. we have got the non-official business

Shri Morarka: I congratulate my hon friend Shri A C Guha for raising this discussion on a subject which is so important, and which is becoming more and more important as our development proceeds. I admire Shri A C Guha's purpose in moving this motion. I think his only idea is to safeguard the public finances by putting some sort of check on the executive's power to borrow. Theoretically speaking, this proposition is very attractive. But the remedy he suggests, namely, urging upon Government to bring legislation under article 292, prescribing a limit—I take it, upper limit—beyond which Government cannot borrow, would I think hardly meet the situation.

This is a very important discussion because in 1939 our total public borrowing was of the order of Rs 950 crores but by the end of next March, according to the budget estimates, it is going to be Rs 6023 crores, a rise of about 650 per cent. I do not include in this the figures of the borrowing by the States. These are only Government of India borrowings as the motion is concerned only with Central Government borrowings.

While I agree that this proposition has a lot of theoretical attraction, I doubt whether it would have any practical utility. Why I say this is because, according to me, borrowing

should be controlled and must be controlled at four points. The first, as the Mover has suggested, is the limit of borrowing, second is the purpose for which you borrow, the third is the terms and conditions on which you borrow and the fourth, the source from which you borrow. Unless you control all the four aspects of public borrowing, I do not think you can exercise any effective control on the executive or regulate borrowing in any intelligent manner.

Now, let us take the first—the limit. If this Parliament merely prescribes a limit saying that the Central Government shall not borrow more than Rs 10,000 crores, or if you like, a lesser limit that limit by itself would not provide any security and would not ensure any control or regulation of borrowing. If on the other hand, you prescribe a very low limit, by saying that Government shall not borrow more than, say Rs 7,000 crores, that means that every now and then, whenever Government want to exceed the limit even by a few crores, they will have to come before this Parliament. I will come to the rigidity of the limit and its drawbacks a little later, but at this stage, I can only say this, that mere prescription of the limit by this House and asking Government to borrow within that limit would not ensure the purpose which the hon Mover has in mind. It would not provide any safeguard nor ensure any control on the executive powers of Government.

Shri A C Guha. May I remind my hon friend that I mentioned also the source from which borrowing was done—not only from the banks but also from the ordinary public—and also the purpose for which borrowing was resorted to, and said that these could be enunciated in the Bill?

Shri Morarka. The hon Member has asked for legislation under article 292. Article 292 contemplates only one thing, and that is, prescription of limit. If the hon. Member wants any other legislation, it is a different

[Shri Morarka]

matter altogether. We may agree with that, but so far as article 292 is concerned, it contemplates only one type of control on the executive, that is, control of the limit.

Now, the terms and conditions of borrowings are as important as the limit, if not more. The rate at which you borrow, the dates of maturity and the more important thing—which is nowadays said very often—whether any political strings are attached to the loans we receive, all these would come under the terms and conditions. If we do not prescribe the terms and conditions but merely prescribe the limit, then again, the purpose would not be served.

Similar is the case with the source of borrowing, that is, whether you want to borrow within the country or outside. If you want it within the country, the question is whether you want to borrow in the market or you want to resort to deficit financing. If it is from the market, do you want to borrow long-term loans or take small savings and things like that? All these things have to be carefully examined and gone into, and unless you prescribe in detail all these things, the purpose would not be served.

The purpose of the loan is more important than other controls. If a loan is taken from the public on which annually a big amount of interest is paid and if the loan amount is spent for unproductive purposes or for a purpose which this House does not approve of, to that extent the amount has been wasted. Unless there is an obligation on you by Constitution to prescribe by law the purpose for which a loan can be used—this House can say that for such and such purpose a loan can be used and so on—the regulation of mere limit would not serve the purpose.

The hon. Mover tried somewhat to prove that the loans taken by Government so far—some of them, at any rate—have not been properly used.

But, unfortunately, he gave a wrong example. He said that more than Rs. 400 crores have been invested in the industrial units in the public sector and these units today yield only about Rs. 1.5 crores by way of dividend. It is quite true. But most of these industrial units have not matured yet, they are still in the construction stage. You cannot say that today's return on these investments would be a criterion for your judgment. It may be only Rs. 1.5 crores today, but in times to come it may be more than 7 per cent, 8 per cent, or even 10 per cent.

Therefore, these things have to be judged in proper perspective and not merely on the basis of absolute figures which are given. Most of the industrial units in the public sector, as Shri A. C. Guha knows, are still under construction. The biggest of them, the three steel plants—on which alone Government are going to spend more than Rs. 600 crores—are still under construction, and recently they have started producing pig iron. But I have no doubt, apart from the fact that we have spent more money on them than what we should have and all that, that ultimately these three steel plants are going to bring sizable revenue and are going to make a good contribution to the Central Government's revenue. We are not going to regret the amount we have invested there, particularly from the point of the return on the amount invested.

Article 292 of the Constitution contemplates that this power must be given to the executive. That is, the power to borrow must remain with the executive and that power, as I said, is an unlimited power except to the extent of any limit. Parliament may prescribe. In other countries, particularly the U.S.A., this power to borrow money is not given to the executive. This power is given to Congress. Congress exercises the power and, in doing so, it may direct the executive to follow the terms and conditions on which loan has to be taken. The framers of our Constitution have

in their wisdom thought it fit to leave this power with the executive. This power has rested with the executive since 1935—even before that. Ever since that time, the need has never been felt to regulate this power to borrow money in the form of prescribing a limit.

I say it would be very difficult for Government to stick to any rigid limit, if this House is to lay down that limit. Let me illustrate it with an example from the figures in the Explanatory Memorandum. On page 204 you find that in 1954-55, the Government's budgeted borrowing was Rs 75 crores, but actually when Government went to the market, they could borrow Rs 158 crores—more than double. In the next year, the Government budgeted for Rs 125 crores, but the conditions were such that they could borrow only Rs 104 crores. In the third year, the Government's Budget was Rs 100 crores and the Government could borrow Rs 158 crores. In the fourth year again, as against Rs 100 crores Government could borrow Rs 136 crores. And, in the year 1958-59, as against Rs 146 crores which the Government budgeted to borrow Government could borrow actually Rs 203 crores.

14 hrs.

The hon. Mover I think, made one mistake when he observed that after 1954-55, the loan position of the Government of India became very difficult and the Government could not borrow money.

Shri A. C. Guha. No, I said upto 1954 and not after 1954.

Shri Morarka. I heard after 1954 I stand corrected. From these figures you will notice that Government has to adjust its loan policy in accordance with the conditions prevailing in the market. Government has to resort to borrowing not only for governmental needs but also to keep the price level, to keep the amount of money in circulation up to a certain level etc. There are various other considerations in this monetary mechanism which Government has to operate. It is not

only the financial needs, the capital needs or the revenue needs of Government which determine the borrowing policy of Government. The Government's borrowing policy is conditioned by many factors, including, mainly, keeping up the price level. Government has to determine how much money it has to leave with the public in circulation. If Government thinks that there is more money in circulation, it immediately withdraws the money from circulation. If, on the other hand, Government finds that there is less money in circulation than the needs of trade and industry, Government buys securities and injects more money into the economy.

This is a very delicate mechanism and the Government has to work it carefully. It has to work it not only carefully but also with a certain amount of privacy and secrecy. If for all the small loans Government wants to have at any time, it has to come here for sanction by the House, to that extent Government's purpose would suffer.

The hon. Mover of the Motion might say that Government need not come here every now and then. He himself said that every year our borrowing is increasing by about Rs 700 or Rs 800 crores. What limit could he possibly prescribe? If the limit is very high it would become unrealistic and it would serve no purpose at all. If, on the other hand, he prescribes a limit which is very low, then again all these difficulties would arise. Therefore, while I appreciate the purpose which the hon. Member has in view in moving this Motion, I am afraid that a mere passing of this law by Parliament prescribing the limit would not serve the purpose.

The Estimates Committee examined this question at length in its Twentieth Report on Budgetary Reform. You know that body is very jealous of the powers and privileges of this House.

[Shri Morarka]

Let us see what the Estimates Committee had to say about this. This is on pages 22 and 23.

And in para 47, the Committee summed up its views:

"While from the point of view of practical considerations it might be difficult to fix rigid limits on borrowings by Government, at least in the present developmental stage of economy, it is desirable that the Government should report to Parliament every time they go in for borrowing. Further the details of individual borrowing might also be brought to the notice of Parliament both before going to the market and after."

Now, the Estimates Committee did recognise the desirability of keeping the Parliament informed. And, for that, they have suggested some way also. But the Estimates Committee categorically came to the conclusion that during the developmental stage of our economy such a law prescribing any rigid limits would not be desirable or would not be practicable.

How is Parliament to be kept informed? The Government of India's representatives before the Estimates Committee gave very cogent reasons. First of all they said that every year in the Budget which comes before the House a figure is indicated. They say what is going to be the loan position of the Government; how much they are going to borrow during the year and how much they are going to refund during the year and what would be ways and means position. Not only this; the Budget papers also indicate how they are going to utilise that amount. And the hon. Members here have every right to suggest changes or to dispute the purpose for which the amount is likely to be borrowed. Therefore, it is not as if that the entire borrowing programme is carried on by Government without any information to this House or as if this House is

kept in the dark about the loan programmes and such activities of the Government.

Secondly, there is a Five Year Plan. The Five Year Plan, in broad outline, indicates how much loan they are going to raise, both internal and external. More or less we stick to that Plan. All our Budgets during the Plan period are more or less formulated within the framework of the Plan. A few changes here and there, of course, are unavoidable. So, the House which gives its approval to the Plan approves, first in broad terms the borrowing programme of Government for the Five Year period and then by Budgets every year, it approves the yearly programme of borrowing.

Prescribing any rigid limit on the Government's borrowing programme would have other difficulties also. In the 1935 Government of India Act, this provision is found because that Government was not responsible to any elected Legislature of the country. And whatever provision existed in the 1935 Act has been, more or less, copied in our article 292. But the colour of the Government has changed since then. I do not think that what held good for that Government holds good for this Government also. Therefore, at least on the ground that the Government is responsible to public opinion and to the House, the prescription of such a limit would only hamper the work instead of facilitating anything or exercising any control.

You will notice that article 292 is a permissive article. It only says: 'If the Parliament so desires'. The hon. Member quoted Dr Ambedkar and said that he gave an assurance—a sort of assurance—and that assurance must be carried out. I have also gone through that debate. It was Dr. Ambedkar's hope that in future Parliament would exercise some such control. It was not an assurance that a Bill would be brought. If I am right, some hon. Members who took part in

the debate then, requested Dr. Ambedkar to delete the words 'if any' in order to make the provisions a little more specific but he thought that it was neither necessary nor desirable and he thought it better to leave the matter as it was.

The hon. Mover has said that the Government of India had no loan policy, that the public do not contribute to them and they are subscribed by the Reserve Bank of India. (Shri A. C. Guha: And some commercial banks.) That may or may not be so. But I do not see how by prescribing a limit on the Government, the public would start subscribing. Merely by bringing forth legislation prescribing an upper limit for the Government how can you persuade the public to go in for Government loan. Is it a question of confidence? Shri Guha himself has admitted that the finances are very sound. Otherwise, how can the Government raise every year about Rs. 900 crores, both internally and externally. While I admire all the views of the hon. Mover, I am afraid that the remedy which he suggests would not serve the purpose he has in view and hence I feel compelled to oppose this motion.

Only one more point and that is about the guarantees. Article 292 also says that a limit may be prescribed for the guarantees that the Government can give. The hon. Mover referred to the deferred payments and doubted whether deferred payments were treated as loans or not. They would certainly come under guarantees. I do not see what particular purpose it would serve if you prescribe a limit on the Government's ability to give a guarantee. It would create difficulties for the Government at the time of negotiating with foreign countries. If we negotiate for a big project, for instance, with Russia or for the heavy machinery project or things like that, before the Minister can go out, he will have to obtain the sanction of this House. While theoretically it may be very attractive and seem desirable, it would serve very little practical purpose.

The hon. Mover has not been able to show where the Government has failed in directing the funds into proper channels and investing them in approved projects. Unless the charge is made against the Government of misdirecting the funds and misusing and frittering them away or wasting them, the arguments of the hon. Mover suffer some weakness. I therefore appeal to him not to press this motion and allow the matters to remain as they are.

Shri N. R. Maniswamy: Sir, let me not be misunderstood that by supporting this Resolution, I am finding fault with the Government for not having brought legislation under our Constitution. I am placing certain facts before the House which, if not taken care of, will have serious reaction on the finances of our country. The hon. Mover gave cogent reasons for the necessity for legislation. But I was surprised that the hon. Member who immediately preceded me opposed it and he said that status quo should be maintained. The hon. Mover not only wanted that the purpose of the borrowing should be indicated. He wanted that the method and manner of borrowing, the control of the borrowing and also the economic consequences of the borrowing from other countries should be considered. These are the different aspects of public borrowing. If we limit ourselves to article 292 of the Constitution, possibly we are limiting the scope of the discussion to fixing some limit to our internal or external borrowing. It is not in that sense he has moved this motion. It has a wider scope. As I said earlier, it includes: the purpose of the borrowing, manner and method, control, economic consequences, etc. All these things may be controversial subjects. Still, I would say that the Resolution is more comprehensive and it is not restricted to saying that the Government has not brought forward legislation under article 292. If it is not being brought forward, it is bound to lead to certain financial irregularities in the near future.



[Shri N. R. Muniswamy]

Shri Guha has placed several figures before this House for a full understanding of the scope of this Resolution. But let me add a few more points to strengthen his arguments. According to the Budget documents circulated in February last, at the beginning of 1959-60, the total outstanding comes to about Rs. 4,821 crores. The corresponding figure in 1938-39 was Rs. 950 crores. Again, at the commencement of the First Plan, the outstanding debt was about Rs. 2,217 crores. At the end of the First Plan, it stood at about Rs. 2,840 crores. So, we can say that there was a public debt of about Rs. 400 crores and odd for the First Plan. But it seems from the Explanatory Memorandum on the current Budget, that in the first three years of our Second Plan, we have incurred a debt to the extent of Rs. 1,200 crores and we are expected to spend about Rs. 750 crores more in the current year. In the First Plan, the total debt for the five years came to only about Rs. 400 and odd crores while for the Second Plan it is running at the rate of Rs. 400 and odd crores for every year. How does this public debt compare with the national income? Supposing the national income of our country is about 10,000 crores of rupees and supposing our public debt comes to about Rs. 5,000 crores, it works out to about 50 per cent. It may be—they may say—nothing compared to other countries' borrowings for the developmental schemes. But a poor country as India is, if such huge amounts are borrowed, it may lead to some difficulties.

Now, what does this really represent? It represents the capacity of a country to live beyond its own means. Maybe, in our planned economy, we have borrowed money for our industries but we have to give more thought before we enter into debts. There are serious considerations which weigh when we borrow money from other countries. When we borrow, we borrow money on a contractual basis and

mortgage our Consolidated Fund of India. It would mean as if we are mortgaging the entire revenues of future India. So, the Consolidated Fund of India is the security and when that is the case, Parliament should have some control over this. It is for that reason that the framers of the Constitution have stated that this power lies only with the sovereign Parliament.

Shri Guha has brought to our notice that when this question was agitated and the demand for legislation was pressed, the reply given by the Government was that they were not going to do it because it was unnecessary as the Budgets are being passed by Parliament. *We all know what the Budget is.* It is such a huge volume containing several proposals and several other things in it that nobody gives proper thought to it. Though the hon. Finance Minister does more often give explanatory notes for every item and though we do understand them in our own way, still it should not be presumed that since the Budget is passed by the House every item of it has been looked into by the Members of Parliament and the Members have given thought to each and every item. Such a presumption and assumption on the part of the Government is not fair. As a taxation proposal is being discussed in this House, so also borrowings have to be discussed in the House so that we Members can understand what we are going to do, how much we are going to borrow and how we are going to utilise it. From this point of view, Sir, I would respectfully say that it is high time we bring in some legislation so that we can understand the whole situation.

The other thing which I would like to place before the House is in regard to the capacity to repay our loans. I have already stated at the initial stage that for 1959-60 the total outstandings are of the order of Rs. 4,821 crores. How are we going to repay it? This question has been exercising the minds of Members of Parliament. We all know that when rupee debts are



there we float loans in the country with a view to repay the earlier loans. That has been the *modus operandi* so far as internal resources are concerned. How are we going to pay the foreign loans which are to the extent of Rs. 600 crores? That is a thing which should exercise the mind of every one of us. It has been suggested by the Public Accounts Committee at one stage that Rs. 5 crores every year should be funded so that every time we could deduct the debt, but I do not know how the Government in their wisdom have rejected it saying that this sum of Rs. 5 crores would increase the revenue deficit and ultimately it has to be met by borrowing or taxation. I am not able to understand the way in which they are going to repay it. It is quite true that at every stage we have to resort to taxation to reduce our debt. But there is one thing. If the internal loan position is like that, how are we going to pay back the foreign loans. We all know that we have to pay something to West Germany. We have already asked them for deferred payments to be made by us and they have been kind enough to agree to that. Therefore, whenever we evolve any loan policy, Government has to take into consideration not only the productive capacity of the country but also the export surplus. We have not been doing all these things. We have only been borrowing money to the extent of Rs. 4,821 crores.

We have given to the States as loans and advances money to the tune of about Rs. 2,100 crores. We do not know whether we are going to get back that money or not. We know the case of D.V.C., how the matter has been carried on from State to State and how the implications connected with D.V.C. have not been carried out. After all, the States have borrowed money. If there is any irregularity even in the administration of financial matters the Centre can certainly issue a proclamation, as they have done in Kerala, to remedy the financial irregularities in that part of the country. Therefore, I would say,

it is but natural that some thought must be given to this aspect.

The next point which I would like to state before the House is with regard to the use of the loans. The Mover of the Motion has stated how on non-productive purposes the money which has been borrowed from foreign countries has been put through. In the Explanatory Note of 1957-58 I find that uncovered debt—that means, that portion of the public debt which is not covered by real assets—was Rs. 775 crores—that was up to 31st March, 1958. It is expected to reach about Rs. 1000 crores by end of 1960. In the period of two years the difference between Rs. 775 crores and Rs. 1000 crores.

Shri A. C. Gaha: Rs. 1100 crores

Shri N. R. Muniswamy: I am only referring to the period from 1958 to 1960. From the Explanatory Note I find that it will be about Rs. 1001 crores, and therefore the difference would be Rs. 226 crores. This amount has been and will be spent on unproductive purposes. When we take a loan from a foreign country we must utilise it in such purposes as would enable us to take money out of them. The difference that I find is one of having spent money on unproductive purposes. Any orthodox financier or a man well versed in public finance and fiscal policy would take serious objection to such sort of investments of money on things from which we get no income at all. From the report I find that there are huge buildings which have been constructed. From these buildings we are not going to get any money. Barring those things, there is still some money which has been spent on unproductive purposes. During these two Plan periods it may even go, as I said, to Rs. 1000 crores. This is an aspect which Parliament should take into account before

[Shri N. R. Muniswamy]

acquiescing to the borrowing programme formulated by the Government and indicated in the Budget papers.

All these questions cannot be disposed of so easily as we think. I find there is much pressure on maintaining *status quo*, so that we have to maintain some sort of secrecy also, as we have in military purposes, with regard to financial purposes. So far as finances are concerned, everyone has to know how much we borrow, and how much we spend. Therefore, if it is not possible for Government to bring in a legislation within the foreseeable period, during the next year or two, under article 292 of the Constitution, I can only suggest that temporarily the Government should appoint a committee, or the Members of Parliament can form themselves into a committee and the Government can appoint them, to go into the question as to the borrowing power of the Government and also the implications thereof. After referring the matter to the Parliamentary Committee, they would go into the question as fully as they can, as they do when they are dealing with taxation proposals. When a report is given by that committee, on that report discussion can take place in the House, when we will understand the ways and means position of the Government.

Therefore, I would say that it is better if article 292 is not invoked or resorted at the earlier stage. I am sure the hon. Finance Minister will take upon himself at least the responsibility of fixing up some committee of Members of Parliament to go into this question of borrowing with its full implications together with the productive capacity and export surplus that is available in the country. When they go into those things as envisaged in the Budget that is to come, which will be placed before them, they will be able to go into the question threadbare as they do in the case of taxation proposals,

and we will be able to give our approval to their recommendations. That committee should place a report giving their suggestions to this House and this House should be given an opportunity to discuss all aspects of the matter threadbare and also go into the question of ways and means of this Government.

Sir, may I take some more time?

Mr. Deputy-Speaker: Not today. Does he wish to continue next time, or does he want to finish today? If he can finish in another two or three minutes, he may go on.

Shri N. R. Muniswamy: I will finish in another three minutes.

In this Explanatory Memorandum, Sir, I find that there are two other items. There is an item of loans and advances to various States to the tune of Rs 2400 crores. In that, as Shri Guha has said, also comes as a separate item a debt of Rs 300 crores from Pakistan. These two items alone cover Rs 2700 crores. We are not going to get a single pie from Pakistan, whatever might be the conclusions that have been reached between the Finance Ministers of these two countries. The real truth of it is yet to come before us. So far as Pakistan is concerned, we have been seeing that every time they make a provision towards discharge of these loans, every year there is some mention of it in their Budget, but nothing comes out of it. Actually, even that has been stopped now, I am told, in their own Budget.

As regards the provision, which my hon. friend, Shri Morarka, has been saying would serve no useful purpose, for fixing a factual limit for Government to borrow money, in the whole world, in almost all the Commonwealth countries and other countries including Canada, USA, Ceylon, Australia and others, there is a provision with regard to the borrowing power and though the power rests

**4999 Committee on Private Members' Bills and Resolutions BHADRA 6, 1881 (SAKA) Industrial Disputes 4910- (Amendment) Bill**

with the Government it is ultimately the Parliament which is to sanction or not sanction. Already, article 292 of the Constitution lays down the power of the Union Government in regard to borrowing. That provision was copied from the Constitution of other countries when we framed our Constitution. So, when other Constitutions have framed a provision like that and have fixed a maximum and minimum—nobody can go this way or that way—and it has been circumscribed by the maximum and minimum, and since we have copied the provision from the Constitutions of Canada, the United States of America, the United Kingdom and other countries, having followed them, in this matter, it is but fair that we should have some such law in our statute-book so that everybody will have an opportunity to know our position

With these words, I support the resolution

Mr Deputy-Speaker: The discussion will continue tomorrow

14.31 hrs.

**COMMITTEE ON PRIVATE MEMBERS' BILLS AND RESOLUTIONS**

**FORTY-EIGHTH REPORT**

Sardar A. S. Saigal (Janjgir) I beg to move:

"That this House agrees with the Forty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th August, 1959."

Mr. Deputy-Speaker: The question is:

"That this House agrees with the Forty-eighth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th August, 1959."

The motion was adopted.

**TRANSPORT CO-ORDINATION BILL\***

Shri Jhulan Sinha (Siwan) I beg to move for leave to introduce a Bill to provide for co-ordination of the various transport systems in the country and for matters connected therewith

Mr. Deputy-Speaker: The question is

"That leave be granted to introduce a Bill to provide for co-ordination of the various transport systems in the country and for matters connected therewith"

The motion was adopted.

Shri Jhulan Sinha: I introduce the Bill

**INDUSTRIAL DISPUTES (AMENDMENT) BILL\* (AMENDMENT OF SECTION 3)**

Shri Ram Krishan Gupta (Mahendragarh) I beg to move for leave to introduce a Bill further to amend the Industrial Disputes Act, 1947

Mr Deputy-Speaker: The question is

"That leave be granted to introduce a Bill further to amend the Industrial Disputes Act, 1947"

The motion was adopted

Shri Ram Krishan Gupta: I introduce the Bill

\*Published in the Gazette of India Extraordinary, Part II—Section 3, dated 28-8-59.

CO-OPERATIVE SOCIETIES (FOR  
UNION TERRITORIES) BILL\*

श्री अर्जुन सिंह भदोरिया (इटावा) :  
उपाध्यक्ष महोदय, मैं सदन से केन्द्र द्वारा  
शासित और संचालित कानून में सहकारी  
समितियों से सम्बन्धित इस विधेयक को  
प्रस्तुत करने की अनुमति चाहता हूँ।

Mr Deputy-Speaker: The question  
is—

"That leave be granted to intro-  
duce a Bill to consolidate and  
amend the law relating to co-ope-  
rative societies for the Union  
Territories"

The motion was adopted

श्री अर्जुन सिंह भदोरिया मैं इस विधेयक  
को प्रस्तुत करता हूँ।

14.34 hrs.

CODE OF CRIMINAL PROCEDURE  
(AMENDMENT) BILL (OMIS-  
SION OF SECTIONS 107, 109  
AND 110 AND AMENDMENT  
OF SECTION 161)—Contd.

Mr Deputy-Speaker: The House  
will now resume further discussion  
of the motion for consideration of the  
Code of Criminal Procedure (Amend-  
ment) Bill, moved by Shri Jagdish  
Awasthi on the 14th August, 1959  
Out of 2 hours allotted for the dis-  
cussion of the Bill, 1 hour and 58  
minutes have already been taken up  
on the 14th August, 1959, and two  
minutes are now available for its  
further consideration, today.

Shri Datar is to continue his speech.

Shri Braj Raj Singh (Ferozabad):  
May I point out that the other day,  
while the hon. Minister was speak-  
ing—

Shri Datar: I myself was going to  
make a reference to it.

Shri Braj Raj Singh: Not a mere  
reference; he must apologise for it.

Mr. Deputy-Speaker: Let the Min-  
ister have his say After that, if the  
hon Member is not satisfied, and if  
he wants to say something, he might  
say it then

Shri Braj Raj Singh: Repeatedly he  
stuck to the point that Shri Jagdish  
Awasthi had tried to—

Mr. Deputy-Speaker: The hon  
Minister says that he is going to refer  
to it

Shri Braj Raj Singh: It is not a  
matter of reference It is a very seri-  
ous thing He must apologise uncon-  
ditionally

Mr. Deputy-Speaker: If he does not  
apologise, then what happens?

Shri Braj Raj Singh: Then it is all  
right

Mr. Deputy-Speaker: Let us listen  
to the hon Minister first

The Minister of State in the Minis-  
try of Home Affairs (Shri Datar):  
Had the hon Member allowed me to  
speak, I would have referred to it in  
a few minutes I would have made  
the position very clear Now, I am  
sorry that my reference was wrong.  
There was no derogatory reference  
by the hon Member to the Constitu-  
tion

Mr Deputy-Speaker: Is the hon.  
Member satisfied?

Shri Datar: There was some inas-  
tance relating to the Code of Criminal  
Procedure, etc I am not going to

\*Published in the Gazette of India Extraordinary Part II—Section 2,  
dated 28-8-59

refer to it. So far as the reference in question is concerned, it was entirely wrong. I am withdrawing that reference. That satisfies the hon. Member. I hope.

**Shri Braj Raj Singh:** He said twice that "I am very happy that this time....." etc.

**Mr. Deputy-Speaker:** Twice he has said that he was wrong.

**Shri Braj Raj Singh:** He said, "I was almost amused to find that this time the hon. Member has started swearing by the Constitution in the sense....." He was then interrupted. It seems as if he has never sworn by the Constitution.

**Mr. Deputy-Speaker:** What does the hon. Member desire now?

**Shri Braj Raj Singh:** He said: "If I remember correctly, my hon. friend wanted to burn a copy of the Constitution"—a portion of the copy of the Constitution here, in this House. He said further, "I remember and I speak quite correctly that he was stopped when he made certain references....." He wanted to say, "the Constitution" but he was interrupted.

My point is that it is not enough to say now that he withdraws his remarks. Such remarks should have never been made by him in this House. This is a very serious thing. It is sacrilege to say that a Member wanted to burn a copy of the Constitution. He must apologise unconditionally and must show the largest amount of regret.

**Mr. Deputy-Speaker:** I agree that it is a serious matter. There is no doubt about it. But I do not know what other method can be adopted. He has said, "I withdraw it. I am sorry for it." Is it not enough apology? What else can an hon. Member demand of him in this House. He has said that he was sorry that that statement was incorrect. He said he is withdrawing it. So, if the hon. Member is not satisfied what else can we do? When the Minister says that he is sorry for it, "I withdraw it and I was wrong", then I do not think there is anything left.

**Shri Easwara Iyer (Trivandrum):** We take it as an apology.

**Shri Datar:** May I add one thing?

**Mr. Deputy-Speaker:** I would request the hon. Minister not to refer to it but to continue his speech.

**Shri Datar:** Now, so far as the main points regarding this Bill are concerned, I was pointing out that it would not be possible for Government to accept such a Bill of a sweeping character. What the hon. Member wants is the deletion of sections 107, 109 and 110 from the Code of Criminal Procedure. As regards this aspect, in the Bill itself, portions of sections 107, 109 and 110 have been added. I would not go into the details.

Section 107 is of a general nature. "Any person is likely to commit a breach of the peace or disturb the public tranquillity. Therefore, such a provision of a preventive nature is absolutely essential. It is not confined to any class of persons. A number of hon. Members here spoke about what they called the abuse of the powers under sections 107, 109 and 110. May I point out that these preventive provisions are of a general nature and for the purpose of maintaining law and order Government or the magistrates must have power to check the doing of certain acts before they are done. So, they are what are known as preventive sections of the Code of Criminal Procedure. Under the circumstances, especially when they cannot apply to a particular class of persons unless by their possible acts which come within the mischief of that particular section, what is the purpose of this Bill? This aspect may kindly be noted. If there is a likelihood of a breach of the peace or disturbance of public tranquillity, I hope my hon. friend would agree that breach of the peace or a disturbance of public tranquillity is a thing which has to be avoided and which has to be nipped in the bud as early as possible.

I pass on to the next two sections to which the hon. Member referred.

Section 109 says: "any person is taking precautions with a view to committing any offence." The offences are defined in the Indian Penal Code and the prosecution in such a case has to prove that a person is trying to take precautions, for instance, by hiding his presence—that is one of the things provided—with a view to committing any offence, if any such conduct is found on the part of any particular person, that person will have to be proceeded against with a view to prevent his committing an offence. Prevention of an offence is far more important than allowing the offence to be committed. The words "for committing any offence" may kindly be noted.

Section 110 deals with habitual classes of offenders. It has been stated here 'by habit a robber house-breaker thief or forger'. This section does not deal with the cases referred to by hon. Members. There are unfortunately in every society members who are of an anti-social character, who want for the purpose of self-aggrandizement, to do certain acts by way of robbery house-breaking, theft or forgery. The words used are "by habit". That means not a single act, but a course of acts, that is absolutely essential. The words have been repeated in sub-section (b)—"by habit a receiver of stolen property". When a man is a habitual receiver of stolen property he is as bad or even worse than one who actually commits theft. So, when it is found that a man is habitually carrying on these things certain preventive actions have to be taken. Sub-section (c) says "habitually protects or harbours thieves or aids in the concealment or disposal of stolen property". So in every sub-section there is the word "habitually" or "by habit". Sub-section (d) says "habitually commits, or attempts to commit, or abets the commission of, offences involving a breach of the peace". There might be persons who might be dangerous and desperate, so as to render their being at large without security hazardous to the community.

Hon. Members referred to certain cases. Had they given particular reference, I would have looked into them, certainly with a view to see whether there was any abuse at all. In any case, even apart from my looking into the cases, there are in such cases further remedies open to the person concerned. The remedy would be by way of an appeal. An appeal has been specifically provided so far as most of these provisions are concerned.

Shri Narayanankutty Menon (Mukandapuram) There is no remedy against misuse at all.

Shri Datar. It is not sufficient merely to put it in a general way.

Shri Narayanankutty Menon. I point out to him the particular case where a man's security has been asked for, he executes an interim bond and the case proceeds. After a year, the whole security becomes infructuous and he is discharged, because there is no evidence. What is the remedy for that man against the harm done to him?

Shri Datar. The hon. Member refers to these cases in a general way. If he gives me full details I am prepared to look into it.

Shri Khushwaqt Rai (Kheri) What can you do?

Shri Datar. To the extent that is necessary, administrative action can also be taken.

Shri Braj Raj Singh. The Minister asked for specific reference. My friend, Shri Prabhu Narayan Singh mentioned his specific case. While he was in Banaras, he was challenged under section 117 Cr. P.C. only with a view to preventing him from taking part in political activities. So many Assembly Members of U.P. were challenged under section 117.

श्री प्र० ना० सिंह (बम्बई) हमारे सूत्रों में कुछ एजिटेशन सामान्य रूप के लिये चलाया, लेकिन उस कुछ एजिटेशन के १०७ (१७) के क्लेज सामान्य भी चल रहे हैं। दो महीने पहले तक जब कि हमारे सूत्रों में कुछ एजिटेशन नहीं है, मेरे जिलाफ १०७ (१७) के क्लेज बिदगा नहीं हुए, बल्कि सेशन को कविट किया गया है और मेरी अपील वैलिड है।

राजा क्लेज प्रताप (मथुरा) जनाब बजीर साहब से मैं कुछ अपील कहना चाहता हूँ। शर्त यह है कि हम लोगों को जो सिकायत है वह आप के प्रबन्ध से है। आप जिन के करिये लोगों को पकड़वाते हैं वह बहुत दफा सम्बन्धे प्रादनी नहीं हात। इस लिये मेरा कहना यह है कि बजाय इस के कि आप ऐसा कानून बनाय कि इसे पकड़ा, उसे पकड़ो—बहुत दफा अपराध की वजह से लोग पकड़े जाते हैं, बहुत दफा पार्टी की वजह से पकड़े जाते हैं, बहुत दफा किन्दी को बढ़ाने के लिये न पकड़े जाते हैं—बहुतर यह होगा कि जो चार की दिसा दी जाय आप इस तरह की सस्थाएं बनाये

उपाध्यक्ष महोदय बस इतना ही काफी होगा।

श्री लक्ष्मण राय चकि स्पेसिफिक क्लेज की बात कही गई है

उपाध्यक्ष महोदय उन का जवाब तो मिनिस्टर साहब ने दो तीन दफा दे दिया है।

श्री लक्ष्मण राय जो स्पेसिफिक क्लेज की बात कही गई है, मैं मंत्री जी से पूछना चाहता हूँ कि पिछले साल उत्तर प्रदेश में जो कुछ एजिटेशन चलाया, उस में जो दफा १०७ (१७) के क्लेज चलाय गये थे, उन के बारे में क्या वह एन्वारी करेंगे?

Shri Datar: Hon Members are bringing out certain cases. Here we are concerned only with what can be stated to be the legislative aspect of this matter.

Shri Khushwaqt Rai: What about your offer to enquire? (Interruptions)

Mr. Deputy-Speaker: If it is the desire of hon Members that I should ask the Minister to sit down, I will do that. Should he continue or not?

Shri Khushwaqt Rai: Let him continue with the offer.

Mr. Deputy-Speaker: He has to say whatever the hon Members desire?

Some Hon. Members: No, Sir.

Shri Datar: The particular types of cases referred to by hon Members are in connection with certain agitation or agitations. They have not made reference to other normal ordinary cases where certain offences of a serious and reprehensible nature are likely to be committed. I understand their reference to certain cases which for facility of reference we shall call "political cases". But so far as the general trend of such offences or possible offences is concerned, Government must be armed with authority to take preventive action against such anti-social people. I hope the hon Member agrees so far as this is concerned.

Regarding the provisions of the Bill, he wants sections 107, 109 and 110 to be completely removed from the Criminal Procedure Code. He will kindly contemplate the dangerous possibilities if such sections are committed altogether. I would submit that the Bill is more sweeping in its nature than what the hon Member has in view.

In respect of cases which might be called political cases, naturally two things have to be noted. One thing is that the agitation, public agitation or whatever it is, has to be carried on so as to avoid a breach of the peace or disturbance to public tranquillity. In such cases, apart from other things which they have in view, action can be taken only provided there is the possibility in the case of



[Shri Datar]

such political agitation, of its getting out of control I would appeal to hon Members here that we are not sitting here as party members or anything like that I am appealing to the hon Members to understand this particular aspect

It is true that whenever there are certain public questions, it ought to be open to the party that is aggrieved with the policy that the Government follows to express its views unequivocally That is understandable But they should also take care to see that if they carry on an agitation, if they are holding certain demonstrations which are likely to go beyond the limits of control—I am purposely underlining this express—then Government will have to step in for the purpose of protecting the peace, or avoiding a disturbance to public tranquillity It is in such cases that difficulties arise I understand that there are often times questions on which certain parties hold very strong views But while holding strong views and having certain demonstrations in contemplation they should also consider the possibility of such demonstrations getting out of control, and only when there is such a reasonable possibility—I am prepared to put that specifically here—that the Government as the protector of law and order, will have to step in Often times, when such agitations are being carried on, we talk in terms which are not necessarily temperate, often times we speak on occasions in a spirit of excitement, and such excitement or such inflammable speeches are likely to have a worse effect and in some cases—I am not here referring to any particular sort of agitation—what is spoken of amounts almost to, say, defiance of the orders or disturbance of public tranquillity In such cases, the hon Members are aware that carrying on the agitation

Mr. Deputy-Speaker: If I may intervene, there is one thing The hon Members on this side have argued that

these sections have been abused, their application has not been on proper occasions and the hon Minister is arguing what the intention or the objective of the legislation is Therefore, these two are the extremes Hon Members wanted to know whether in the administration or application of the section, as has been done by the executive, we can formulate any safeguards so that they may not be abused, as has been done in the past

Shri M. C Jain (Kaithal) It is the experience of not only the Opposition but ours also

Shri Datar: I am pointing out the possibilities of the Government being compelled to take action That is the reason why I made a reference to this When the situation is likely to get out of control, then some power must be vested in the authorities to take action That is one thing

Mr. Deputy-Speaker It would be agreed that there are occasions when actions under these sections become necessary and action has to be taken It would also be agreed that there are many occasions when these have been abused and so there is an apprehension

Shri Datar There are some occasions I would rather use the term some occasions

Shri P. N Singh They used to check even the normal political activity

Shri Datar So far as the first part is concerned, I have made it clear So far as the second part is concerned, whenever in the opinion of certain parties these are likely to be abused, there are two remedies One is that they can take up the matter to the appellate authority, the matter can be taken up even before the High Court

An Hon. Member: It remains pending there for one year



**Mr. Deputy-Speaker:** He is coming to that point

**Shri Datar:** So far as these cases are concerned, where it has been proved by the judiciary that there was an abuse of authority, then what we do is this. In the case of proceedings under the preventive sections, or whenever there are criminal cases, sessions cases etc when the magistrate or the court, as the case may be, feels that there has been an abuse of the powers or there has been harassment, then in that case we look into the matter. And in all the cases in most of the States, so far as we are concerned, we always take account or cognizance of the adverse remarks about the executive authority against the investigating authorities etc and satisfy ourselves as to whether those statements those judicial statements have a real foundation in any sense or whether they are made entirely in a casual manner. And may I tell the hon. Members on both sides that whenever it is found that any police officer has acted in a manner which is not covered by his authority then we take strong action against him. In some cases we proceed against him departmentally. In other cases

**Shri Jagdish Awasthi (Bilhar):** They are generally put in other posts

**Shri P. N. Singh:** In our State they are promoted

**Mr. Deputy-Speaker:** The hon. Member will have another opportunity

**Shri Datar:** In some cases we even prosecute such officers when we find that very serious inroads into the criminal law have been committed by these officers

**Shri Narayanankutty Menon:** If you can point out one instance where a police officer has taken action under section 107 and you have prosecuted him for misuse of authority we will withdraw the Bill

**Shri Datar:** It is not sufficient to say in a general way that there has been an abuse of authority

**Shri Braj Raj Singh:** In Mathura 14 Socialists were going just to demonstrate before the Minister. They had only expressed their intention to demonstrate before the Minister. Before the demonstration could take place the police arrested them, put them into the thana and everything was done

**Shri Datar:** My simple answer is this. If in view of the particular situation there are dangerous possibilities behind this demonstration, then action has to be taken. All demonstrations are not harmless. All demonstrations are not necessarily innocent.

**Shri Braj Raj Singh:** Only 14 people

**Shri Datar:** Perhaps it is likely that the leaders of the demonstration may or may not contemplate it, but the Government or the protectors of law and authority have to contemplate the possibilities of threat to public peace. Therefore I would submit that in such cases naturally Government will take care to see that legitimate rights are not interfered with but when such demonstrations have a possibility of getting out of control in a manner not necessarily contemplated by the agitators or political people Government must have the authority to take action

Then as I have pointed out, there is an appellate authority and in appropriate cases whenever the Judge himself or the magistrate, makes comments, we take account of them and we make further enquiries and we either place him for a departmental enquiry or, in a case where the evidence is sufficient, we even prosecute such officer. But may I tell you that such instances are not many. There might be some instance here or there. Also, all State Governments are fully seized of this question. They are anxious to see that the police administration is as efficient as possible. Therefore whenever there are such real

[Shri Datar]

instances, we shall surely look into those matters. Then, as this is a subject which concerns all State Governments, action has naturally to be taken by the State Governments. We come into the picture only when it is a concurrent subject. So, the views of the State Governments also have to be taken into account.

But we find that the hon. Member's proposals are of such a sweeping character that there can be no possibility of any State Government agreeing to the principle of the hon. Member's proposals. It is for these reasons that I have to oppose this Bill.

15 hrs.

Shri Braj Raj Singh: Is the hon. Minister prepared to at least assure this much that this section 107(17) will not be applied to suppress political agitations, that it will not be applied to arrest political leaders of different parties from their houses and from their offices and that it will not be left to the police officer or to the sub-divisional magistrate to judge whether breach of peace is to take place if the man is not arrested?

Mr. Deputy-Speaker: Should the Sub-Inspector on the spot write to the hon. Home Minister to tell him whether

Shri Braj Raj Singh: I am saying about only political agitations.

Mr. Deputy-Speaker: It would be judged on the spot. I agree with him that there are really possibilities of abuse. Abuses have taken place. I do not rule it out. I know of those cases and I agree with him. But how can we remedy it here? That is the question that has to be seen. The hon. Minister says that simple deletion of this section is taking the other extreme.

Shri Narayanankutty Menon: What about section 161? There is another part of the Bill about which he has not said anything.

Shri Datar: I am obliged to the hon. Member.

So far as section 161 is concerned, it deals with the statements or the collection of evidence. Under the amended Code of Criminal Procedure, which was amended by this hon. House, it has been made clear that so far as the FIR and all other documents collected during investigation are concerned, copies thereof have to be given to the opposite party. This is one of the most important and salutary provisions that have been introduced through the last amending Bill, I believe, of 1955. You will find that within a few days after the case has been started, all the documents will be made available to the opposite party including the FIR. In fact, some of the State Governments have been finding this particular provision of a highly difficult nature in the sense that so many copies have to be prepared. They have to establish a special copying department. Some of the State Governments are not very happy about it. But for the purpose of the point that the hon. Member has made, I pointed out that a copy of all the statements under section 161 would be made available to the accused. Therefore there can be no possibility of any tampering with either the FIR or the other statements. In other cases also these statements and FIR go to the magistrates. My information is that as soon as a FIR is filed, copies thereof go to the magistrate.

Shri Narayanankutty Menon: Section 161 does not deal with FIR at all.

Shri Datar: Actually we have got our rules and according to these rules they are sent to the magistrates.

Shri Narayanankutty Menon: I do not know if it is your rule, but as far as the Criminal Procedure Code is concerned, section 161 does not deal with FIR. It deals with evidence recorded during the course of investigation.

**Shri Datar:** In important cases, like in cognisable cases, copies are sent to the DSP or the Superintendent of Police as the case may be.

**Shri Narayanankutty Menon:** He made a very wrong statement of law. There is no rule which makes it incumbent upon the police officer investigating the case to send a copy of the case diary to the magistrate until the stage of the filling of the charge sheet is there. The whole speech made in support of the amendment was that the possibility of misuse during investigations is there. There is no rule at all under which the Inspector should send a copy to the magistrate.

**Shri Rami Reddy (Cuddapah):** When the remand report is sent to the magistrate he must send the statement.

**Shri Datar:** My point is

**Raja Mahendra Pratap:** I want to ask the hon. Minister one question. Can you add one more clause saying that MPs and MLAs will never be arrested in any case?

**Mr Deputy-Speaker:** That would lead us to world federation then.

**Shri Datar:** What I have pointed out here is that whatever evidence is collected under section 161 etc. copies thereof will be available to the accused as early as possible before the case actually starts. That is the greatest safeguard against possible tampering with of the documents. Cases of tampering with are extremely few. May I tell the House that such cases are not many? Sometimes

**Pandit Thakur Das Bhargava (Hisar):** Tampering with always takes place before the case goes to the court. Copies are supplied in the court.

**Shri Datar:** In the court, enquiry is made whether copies have been received at the time when, for example, a charge sheet is filed.

**Pandit Thakur Das Bhargava:** A copy is given when a person is challenged. At that time he gets a copy but the tampering with takes place before that.

**Shri Datar:** Let my hon. friend state how many cases are there in his long experience in which such documents have been tampered with. Otherwise we speak more or less in a manner that we think that there is something.

**Mr Deputy-Speaker:** The hon. Minister should not address this question to the lawyers. They have always been appearing for the accused.

**Shri Datar:** Here he is an hon. Member of this court. He is an advocate for the whole country. Therefore I am quite confident that he will give us a correct opinion.

There is one point that remains. The contention was that the copies should be sent to the district judge. I think it is the sessions judge which possibly he has in view. So far as that is concerned, it is not necessary to do so in all cases. Imagine that he wants the evidence in all cases to be sent to the sessions judge. Now the cases are more than a lakh, or even some lakhs in a number of cases. The district judge or the

**Shri Narayanankutty Menon:** One lakh in one district?

**Shri Datar:** No, no. Whatever it is, the number is extremely large.

**Shri Narayanankutty Menon:** According to your own statement the maximum in a district court comes to very few cases and not lakhs.

**Shri Datar:** He wants all these cases to be sent to the district judge, even whether they come to the district judge or not. Let the hon. Member understand its wide implications. He wants

**Shri Narayanankutty Menon:** We expect a reasonable reply at least, if the Government is not accepting it.

**Mr. Deputy-Speaker:** He is replying. Whether it is reasonable or not

**Shri Datar:** Let the hon. House see clause 3.

"A copy of the police diary, the information recorded under section 154 and 155 and the statements recorded under sub-section (3) of that section shall be sent to the district judge."

That means that they have to be sent in all possible cases and not only in those cases which are finally to go to the sessions judge. The hon. Mover has not limited the provisions of his Bill to any particular class. In all cases, even if it might be a petty case . . .

**Shri Narayanankutty Menon:** Within the jurisdiction of that court.

**Shri Datar:** Even that he has not said. My objection is more fundamental. So far as the sessions judge is concerned, he is a judicial officer, he already has a lot of work and it would not be necessary, neither would it be desirable, to send all these papers to the sessions judge as it is. Now if the copies are given at an earlier stage to the accused that would serve the purpose that he has in view.

**Shri Braj Raj Singh:** Are you prepared to send them to the magistrate?

**Mr. Deputy-Speaker:** Shri Awasthi: I hope he will be very brief now.

**Pandit Thakur Das Bhargava:** A question was asked of me by my hon. friend. Will you allow me to answer that?

**Mr. Deputy-Speaker:** The answer is not wanted now perhaps.

**Pandit Thakur Das Bhargava:** If he does not want it, it is a different matter. But if he wants it I will be ready to give it.

**Shri Braj Raj Singh:** Let it come. We shall be very much enlightened.

**श्री जगदीश अग्रवस्थी :** उपाध्यक्ष महोदय  
जो मैंने यह विवेक सदन के समक्ष उपस्थित  
किया है उसमें मैंने यह मांग की थी कि  
कानूनी पुस्तक में से धारा १०७, १०८, ११०  
का लोप कर दिया जाय और दफा १६१ में  
कुछ संशोधन कर दिया जाय। इसके सम्बन्ध  
में कई माननीय सदस्यों ने अपने विचार व्यक्त  
किये और मैं उनको धन्यवाद देता हूँ। मंत्री  
महोदय ने जिन तर्कों के आधार पर इस  
विवेक का विरोध किया मैं समझता हूँ  
कि वह तर्क ऐसे तर्क हैं जो कि सबमूच आज  
के जमाने में जबकि हम प्रजातन्त्री युग में  
रह रहे हैं, वह हमारे हृदय को स्पर्श नहीं  
करते हैं। इसके साथ ही मंत्री महोदय ने  
अपने भाषण में जो यह कहा कि अगर हमारे  
सामने धारा १०७ और १०८ के विशेष  
करके ऐसे केसेज लाये जायेंगे जिनमें कि उनका  
दुरुपयोग हुआ हो तो निश्चित रूप से  
हम उन पर विचार करेंगे और कार्यवाही  
करेंगे। लेकिन मैं कहना चाहता हूँ कि यदि  
आप सारे प्रदेशों के ऐसे केसेज इकट्ठा करने  
लगे जिनमें कि पुलिस ने १०७ और १०८  
दफाओं का दुरुपयोग किया हो तो मैं सम-  
झता हूँ कि उनकी संख्या इतनी अधिक होगी  
कि शायद यह मंत्रालय इसी काम का होकर  
रह जायगा और उसको अपने तमाम दूसरे  
काम बन्द कर देने पड़ेंगे। अगर वाकई में  
सबमूच मंत्री जी के मन के अन्दर यह भावना  
है और वह इस बारे में विस्तृत जानकारी  
चाहते हैं तो मेरा उनसे यह निवेदन है कि वे  
इसके लिये एक जांच समिति नियुक्त करें और  
उस समिति का चेअरमैन हाईकोर्ट अथवा  
सुप्रीम कोर्ट का जज हो जो कि सारे प्रदेशों  
भूम भूम कर इस बात का पता लगाने की

स्वतन्त्रता प्राप्ति के समय से लेकर इन पिछले १२ वर्षों में बारा १०७, १०९ और ११० का कितना दुरुपयोग हुआ है और वह उनके सम्बन्ध में पूरी जानकारी इकट्ठा करे तब मन्त्री महोदय को इस बात का विश्वास हो जायगा कि जो मैं कह रहा हूँ वह सही है कि नहीं। तथ्य यह है कि इन दफाओं का पिछले १२ वर्षों में पुलिस ने मोश्म नोर पर दुरुपयोग किया है।

मन्त्री महोदय ने यह तर्क दिया कि बजाय इसके कि रोगी रोग में पीड़ित हो उसका पहले से परहेज कर लेना अच्छा होता है। उनका यह तर्क मैं तो मुनने में ठीक ही लगता हूँ लेकिन वहाँ हालत दूसरी है। वहाँ तो रोग ही नहीं है और मेरी समझ में यह नहीं आता कि ऐसे व्यक्ति का जिसे कोई रोग नहीं है उसका परहेज करने में सरीजों का क्या होगा। उनसे देखा ना यह कहा गया है कि उस व्यक्ति को जिसे कोई रोग नहीं है उसका यदि परहेज कराया जाय और दवा दी जाय तो निश्चित रूप से उसकी हल होने के बजाय बढ़ती जायगी। आये दिन हम देखते हैं कि दफा १०७ और १०९ हालांकि चलते हैं मन्त्री हैं लेकिन अपराधों में कम होते हैं वनाय उनमें बड़ानी हा हा रही है, इसका बड़ाले में प्रयोग होता है लेकिन अपराधों की संख्या कम होने के बजाय बढ़ती जा रही है। इसका मतलब यह हुआ कि जिस उद्देश्य को लेकर और जिस शान्ति भंग होने को आशंका का लेकर इन धाराओं का प्रयोग किया जाता है ताकि समाज में कोई अव्यवस्था पैदा न हो व्यवहार में हम देखते हैं कि इन पिछले १२ वर्षों में समझ गायो में जिस उद्देश्य को लेकर इन धाराओं का व्यापक प्रयोग किया गया है, वह उद्देश्य पूरा हाता नहीं दिखाई देता। इस सम्बन्ध में मैं अपने कानपुर जिले का ही उदाहरण दूँ जहाँ कि पुलिस द्वारा १०७, १०९ और ११० का बहुत व्यापक पैमाने पर उपयोग किया जाता रहा है। कानपुर के जिलाधीश महोदय ने अभी तीन

महीने हुए एक प्रेस सम्मेलन में कहा था कि इस रीति में महीनों में कानपुर में जितनी हत्याएं और डकैतियां हुई हैं उतनी पिछले १२ वर्षों में भी नहीं हुई। कहने का मतलब यह कि इन धाराओं का व्यापक प्रयोग होते हुए भी अपराधों की संख्या में वृद्धि ही हो रही है। इसमें यह भी मिश्र हो जाता है कि धाराओं का प्रयोग प्रभावहीन साबित हुई है। हमारे जो कि माननीय सदस्य ने कहा कि अगर फना जगह पर दफा १०७ का प्रयोग नहीं किया गया होता तो क्या पर ४ कल्ल हो गये होते। लेकिन मेरा जवाब यह है कि इस डकैत दुकक उदाहरण में कोई इन धाराओं की उपयोगिता तो मिश्र नहीं क जा सकती जबकि हम देखते हैं कि देश भर में इन १०७ और १०९ दफाओं का चलते बारी और डकैतियां बढ़ती जा रही हैं। इसलिए यह तर्क खरा नहीं उतरता कि अगर यह धाराएं नहीं रहें तो ना देश में ना एण्ड आइड खत्म हो जायगा।

मन्त्री जी ने यह भी कहा कि जो व्यक्ति दफा १०७ और १०९ के अधीन दण्डित होता है और यदि वह समझता है कि उसको गलत जानना किया गया है तो वह अपनी सजा में खिलाफ मेसन कोर्ट में अपील कर सकता है। लेकिन मैं पूछता चाहता हूँ कि जिन लोगों को १०७ और १०९ के मातहत लोअर कोर्ट में दण्डित किया जाता है उनमें से कितने परमेटेड में हैं जो कि मेसनकोर्ट में अपील लेकर पहुंच पाते हैं? आम तौर पर लोग मेसन कोर्ट में अपील नहीं कर पाते हैं। न्याय इतना महंगा हो गया है कि वह अपील नहीं कर सका।

यह भी कहा गया कि जूडिशियल आफिसर्स नियुक्त कर दिये गये हैं और अगर कहीं पर पुलिस कोई ज्यादती करती है और इन दफाओं को बेजा और गलत इस्तेमाल करती है तो जूडिशियल आफिसर उसको चेक कर सकते हैं और सम्बन्धित लोगों को न्याय

## [श्री जगदीश शर्मा]

दिला सकते हैं। अब मैं आप से उत्तर प्रदेश की बात बतलाना चाहता हूँ जहाँ कि यह बुद्धिमान आफिसर्स तैनात हैं लेकिन जैसे कि एक माननीय सदस्य ने कहा था कि चूँकि वह टेम्पोरेरी है इसलिये हाफ हाटेंडमी काम करते हैं और इसके अलावा उनको डिस्ट्रिक्ट मजिस्ट्रेट के मातहत रखा जाता है और चूँकि वह एकजीक्यूटिव के अण्डर है इसलिये उनसे पूर्णतया निष्पक्ष होकर न्याय देने की आशा कम ही की जा सकती है। वह हमेशा एकजीक्यूटिव के अमर में रहते हैं और इसीलए मैं तो उत्तर प्रदेश के जो लोअर कोर्ट्स हैं उनको मैं हमेशा पुलिस कोर्ट्स कहा करता हूँ। वहाँ पर जनता को पुलिस के विरुद्ध सही और सच्चा न्याय मिलना दुर्लभ है।

मैं समझता हूँ कि बिम्ब क जितने भी स्वतन्त्र राष्ट्र हैं उनमें कहीं को भी पुलिस उतनी भ्रष्ट और अन्यायी नहीं होगी जितनी कि इन पिछले १२ वर्षों में हमारे देश की पुलिस रही है और इस मामले में उत्तर प्रदेश की जो हालत है वह किसी प्रदेश की मेर ब्याल से नहीं होगी। विशेष कर कानपुर में दफा १०७, १०६ और १४४ का बहुत ही व्यापक पैमाने पर और बेजा तरीके पर पुलिस द्वारा इस्तेमाल किया जाता रहा है। अब मैं आपको बतलाऊँ कि जनता की पुलिस के बारे में क्या राय है और हमारे लोगों के बिलों पर पुलिसमैन की जो तस्वीरें हैं वह इस तरह हैं कि जवान पर तो उमक गयी है, एक हाथ में डंडा है और एक हाथ में कानून की तसवार और जब मैं रिपब्लिक का पैसा है। पुलिस के यह चार गुण हैं बन गये हैं और जब ऐसी हालत हो तब आप इस तरह की करप्ट पुलिस से यह कैसे उम्मीद रखते हैं कि वह इन दफाओं का सही तौर पर इस्तेमाल करेगी? मेरे धितरिक्त अन्य माननीय सदस्यों ने और कांग्रेस पार्टी के भी सदस्यों ने इस चीज

को कहा है कि पुलिस द्वारा इन दफाओं का गलत और बेजा इस्तेमाल किया जाता है और मैं नहीं समझता कि हमारे मंत्री महोदय का यह कहना कि हमारी पुलिस एफिशिएंट होती जा रही है कहा तक दुस्त है? मंत्री महोदय स्वयं इसकी जाँच करा सकते हैं कि पुलिस इन दफाओं का कितनी दुरुपयोग करती है।

मंत्री जी ने अभी यह कहा कि धारा १०७, १०६ और ११० अगर नहीं रद्दी तो शायद हमारे समाज में बहुत अव्यवस्था फैल जायगी तो मैं कहना चाहता हूँ कि इन धाराओं का प्रयोग होता रहता है फिर भी लड़ाई, झगड़ होते रहते हैं। मैं समझता हूँ कि अगर सारे प्रदेशों के आक्रांकों को इकट्ठा किया जाय तो सारे देश भर में २०, २५ हजार आदमी १०७ और १०६ धाराओं के अन्तर्गत जेलों में बन्द होंगे और मैं समझता हूँ कि अगर जेलों की दीवारों के जवान होती तो आपका मालूम हो जाता कि कितने निरपराध व्यक्ति इन दफाओं के मातहत जेलों में बन्द पड़े हैं। किसी भी कानून के रखने की मशा यह है कि समाज में सुधार हो न कि समाज में बुराई फैले। हमारे स्वतन्त्र भारत में इन कानूनों का जिनका कि इतना भ्रष्टाचार दुरुपयोग होता है उनको बन्द होना चाहिये। मेरा तो यह निश्चित मन है कि जब तक पुलिस में सुधार नहीं होता है तब तक आप इन कानूनों को रख कर इनके सदुपयोग की आशा नहीं कर सकते। इसलिये अगर आप सचमुच में चाहते हैं कि समाज में से बुराई खत्म हो तो फिर इन दफाओं को हटा दीजिये या फिर अपनी पुलिस को ठीक कीजिये।

अब पुलिस और यह कानून दो समानान्तर रेखाएँ बन गयी हैं और हालाँकि भारत को स्वतन्त्र हुए १२ वर्ष हो गये लेकिन आप अपनी पुलिस को सुधार नहीं पाये हैं और ऐसी दशा में यह आशा करना कि पुलिस इन दफाओं का सही इस्तेमाल करेगी, गलत है। इसलिये

अन्यथा को प्रभावित करने के लिये और भारतीय संविधान जिसकी कि मंशा है कि हर एक व्यक्ति की आजादी सुरक्षित रहे, उसको भंग धाप पूरा करना चाहते हैं तो इन धाराओं को हटा दीजिये।

अभी मंत्री जी ने उस दिन कहा था कि किसी भी आदमी ने जाकर हाईकोर्ट या सुप्रीम कोर्ट में इसको चैलेंज नहीं किया है कि इन दफ्ताओं से भारतीय संविधान में लोगों को जो व्यक्तिगत स्वतन्त्रता की गारंटी दी गई है, उसका हनन होता है। अब मेरा इसके जवाब कहना यह है कि आपने मूल संविधान में बाद में कितनी तब्दीली कर दी है और मैं समझता हूँ कि आपने भारतीय संविधान में १०७, १०८ और १४८ दफ्ताओं को बनाये रखने के लिये मशौघन किया है और भारतीय संविधान की जो व्यक्तिगत स्वतन्त्रता की मूल भावना थी उसको एक तरह से यह मशौघन करके दबा दिया है। ऐसा मानूँ पड़ता है कि इस सरकार को संविधान कम प्यारा है और यह दफ्ता ज्यादा प्यारी है। इन दफ्ताओं को कानूनी किताब में रखने के लिये ही आपने मूल संविधान में मशौघन किया है। मैं कहना चाहता हूँ कि आप इस चीज पर पुनर्विचार करें और इन धाराओं का लोप हमारी कानूनी पुस्तक में हो जाना चाहिये।

दफ्ता १५१ को संशोधन करने के लिये मैंने केवल यही कहा था कि पुलिस प्रारम्भिक व्यवस्थाओं में जो जनरल डायरी भरती है या स्पेशल डायरीज भरती है उनमें अक्सर यह दफ्ता गया है कि वह उनको मनमाने ढंग से भरती है और जिनका कि हकीकत से कोई वास्ता नहीं होता। यह देखा गया है कि एक व्यक्ति जिसका कि एफ० आई० नं० १०० में नाम तक नहीं होता उसको पुलिस पकड़ लेती है और जेल में भेज देती है। इसलिये मैं चाहता हूँ कि कुछ ऐसी व्यवस्था की जाए जिससे पुलिस जो रिपोर्ट दर्ज करती है उसकी एक कॉपी सेफ़्टी जज के वहाँ २४ घंटे के अन्दर पहुँच जाय और यदि ऐसी व्यवस्था कर ली जाय तो

किर निश्चित रूप से उसमें कोई गड़बड़ नहीं होगी। अभी पुलिस ४, ५ कॉपी तैयार करती है। एक कॉपी थाने में रहती है, एक कॉपी डिस्ट्रिक्ट मजिस्ट्रेट के वहाँ जाती है और एक कॉपी पुलिस सुपरिन्टेंडेंट के वहाँ जाती है। और यह देखा जाता है कि थूँक में एम्प्लीक्यूटिव के भंग है इसलिये अगर पुलिस एक दो सप्ताह बाद भी डायरी भरती है तो वे उस पर पिछली तारीख में दस्तखत कर देते हैं। यदि डायरी की प्रतिलिपि मेसन कोर्ट में भी जाए तो यह सम्भावना नहीं हो सकती और पुलिस इस तरह से फ़ेबरिकेशन और ट्विस्टिंग नहीं कर सकती। इसलिये मैं चाहता हूँ कि यह मशौघन कर दिया जाए। इसमें न्याय मिलने में बहुत लाभ होगा और जो पुलिस कानून का दुरुपयोग करती है उस पर हम बहुत सख्त जा सकेंगे। मैं उम्मीद करता हूँ कि जो विधेयक मैंने प्रस्तुत किया है उस पर सदन गम्भीरता के साथ विचार करेगा और जब मतदान होगा तो माननीय सदस्य यह देखेंगे कि यह कानून के लिये अच्छी चीज है या नहीं और जो हम लोग यहाँ संविधान की कसम खाकर और लोकतन्त्र का नाम लेकर बैठे हैं उसके अनुसार यह चीज है या नहीं।

Mr. Deputy-Speaker: The question

is

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

The motion was negatived

15.09 hrs

#### STATES REORGANISATION (AMENDMENT) BILL (Amendment of Section 51)

Shri Easwara Iyer (Trivandrum):  
Mr Deputy-Speaker. I beg to move:

"That the Bill further to amend the States Reorganisation Act, 1956, be taken into consideration."

By this Bill, I seek a clarification of section 51 of the States Reorganisation

[Shri Saswara Iyer]

Act of 1956 which relates to the seat of the High Courts. Section 51 of the States Reorganisation Act consists of three parts. The first sub-section deals with the principal seat of the High Court in a newly established State or a new State within the meaning of the States Reorganisation Act. Sub-section 2 of section 51 of the States Reorganisation Act provides for the establishment of a permanent bench or benches by the President in consultation with the Governor or the Chief Justice of the High Court. Sub-section 3 deals with what I may term in common parlance as a Circuit Bench, which could be established by the Chief Justice in consultation with the Governor of the State.

In order that the House may understand the circumstances that led to the introduction of this Bill by me, I must take it to a consideration of the existence of a High Court in the city of Trivandrum. Prior to the integration of the princely States of Travancore and Cochin, a High Court was functioning in the Trivandrum city for a pretty long period of over hundred years. When due to political exigencies, the Travancore and Cochin States were integrated, the High Court's seat was transferred to Ernakulam. But public opinion at Trivandrum and other places was so extreme and so strong that a non-official Bill was introduced in the legislature of the erstwhile Travancore-Cochin State for the re-establishment of a Bench of the High Court at Trivandrum.

15.22 hrs

[PANDIT THAKUR DAS BHARGAVA in the Chair]

drum. The force of public opinion behind that Bill was understood by the then Congress Ministry. And since the establishment of a High Court came within the purview of the Central legislature, that is, the Parliament, an assurance was given on the floor of the State legislature that suitable measures would be adopted for

the immediate establishment of a High Court Bench at Trivandrum.

Subsequently, a Bill was introduced by the then Home Minister, Dr. Katju, for the establishment of a Bench of the High Court at Trivandrum, and it emerged from this House as Act 38 of 1953. The question was raised while that Bill was being introduced here whether the introduction of that Bill had been necessitated on account of political considerations. The then Home Minister assured the House that it was not out of any political consideration, but it was because of his intention that justice must be cheap *and must be made available cheap* to the common man, and, therefore, he would welcome the establishment of more than one Bench at different places in a particular State. Act 38 of 1953 was passed, and it provided for the establishment of a Bench of the High Court at Trivandrum in the following words:

"Such judges of the High Court of Travancore-Cochin not exceeding three in number as may from time to time be nominated by the Chief Justice shall sit at Trivandrum and exercise in respect of cases arising in the district of Trivandrum the jurisdiction conferred by this Act on a single judge or a division bench of two judges as the Chief Justice may determine."

So, in pursuance of this Act 38 of 1953, a Bench of the High Court of the Travancore-Cochin State was established on 14th June, 1954 at Trivandrum and it continued to function till 1st November, 1956 when the States Reorganisation Act came into force.

This House may now realise the force of the public opinion behind the establishment of a permanent Bench at Trivandrum, and it was in pursuance of that public opinion which was voiced in more than one place in the districts of Trivandrum and Quilon that this Bench of the High Court came to be established there.



But, subsequent to the States Reorganisation Act, by virtue of the operation of section 51, the principal seat of the High Court has been declared to be at Ernakulam by the President's order. We expected that even though the principal seat was declared to be at Ernakulam, the Bench which had been established under Act 38 of 1953 would be continued by the promulgation of a subsequent order made under sub-section 2 of section 51. And we hoped that there was no justification for the abolishment of the permanent Bench which was functioning there till then, but unfortunately nothing happened. The permanent Bench which was functioning at Trivandrum ceased to exist. So, public opinion was again voiced by means of an agitation which started at Trivandrum from 9th February 1956 and which continued till 18th February 1957.

In pursuance of the public opinion which has been voiced, I may submit to this House that all the lawyers of the district, all persons, irrespective of their political affiliations, all members of the community whether they belonged to the business community or to any other walk of life joined together in protest against the abolishment of the High Court at Trivandrum. All the political parties whether it be Congress or Communist or PSP joined in the agitation, and the public opinion was so unanimous that it resulted in the Governor interfering in the matter and assuring us that a Bench under sub-section 3 of section 51 of the States Reorganisation Act would be established very soon. In view of that assurance, the agitation was temporarily stopped and a Bench under sub-section 3 of section 51 was established at Trivandrum.

But, unfortunately, the then Chief Justice took the view—I do not say, out of any political consideration—and stuck to the view that under sub-section 3 of section 51 of the States Reorganisation Act even though a

Bench had been established at Trivandrum, yet it would have no institution powers. In other words, the Chief Justice, for whose legal erudition, I have already stated I have no admiration, came to the conclusion that this Bench which had been established could function only as a Bench to dispose of the pending cases there and could not receive appeals, original petitions or other papers. This is in direct contradiction with other cases of Benches which have been established under sub-section 3 of section 51 in other States. For example, in the Bombay State there is a Bench at Nagpur under sub-section 3 of section 51 again, in Gwalior, in Jaipur, in Indore, in Rajkot and in Delhi and in Lucknow, Benches under sub-section 3 of section 51 have been functioning as Benches of the High Courts concerned receiving all petitions, and appeals, and if I may put it in common parlance having institution powers. But this interpretation which has been placed on sub-section 3 of section 51 rendered nugatory all the efforts of the people of the Trivandrum district for the establishment of the High Court. Practically, it became no High Court, although under section 51(3) there is now theoretically a High Court which is sitting at Trivandrum.

It so chanced that one citizen perhaps urged with the desire to test the validity of the Ministerial Order that has been passed by the Chief Justice there, took up a revision petition before the High Court at Trivandrum and said 'You must receive it'. The Registrar of the High Court said, 'his court has no institution power.' Immediately that gentleman took it up in writ proceedings before the Ernakulam High Court asking for a writ of mandamus to be issued against the Registrar for compelling him to accept the registry, because, according to me the interpretation that is sought to be put under section 51(3) is erroneous. Unfortunately, the High Court of Kerala in a decision, which I have got here—in original petition No 395 of 1957—said that the proper interpretation of section 51(3)

[Shri Easwara Iyer]

is that a Bench which has been established under section 51(3) of the States Reorganisation Act cannot have institution powers. Although we are bound to obey the decision of the Kerala High Court, I can submit without fear of contradiction that the proper and the correct interpretation is that section 51 deals only with the seat of the High Court and not with its jurisdiction. I would, with great respect to the Judges of the Kerala High Court, say that theirs was a very wrong and very erroneous decision. I hope the Law Minister, Shri A. K. Sen, who came over to Trivandrum, has also been in agreement with our view that it is a decision which, in the words of Sir Frederic Pollock, 'must be kept in the book shelves'

What is this decision? Is it consistent with the social justice envisaged in our Constitution? Is it consistent with the spirit of the words contained in section 51 of the S.R. Act? Section 51 of that Act deals with the seat of the High Court. The first sub-section deals with the principal seat; the second sub-section deals with the establishment of permanent Benches, and the third deals, notwithstanding anything contained in sub-section (1) or sub-section (2), with the temporary seat of the High Court.

If the High Court goes and sits at Trivandrum, it immediately divorces itself of all jurisdiction to receive papers. Is this the decision? The decision says that we must act according to the directions of the Chief Justice. Even a *prima facie* perusal of section 51 of the S.R. Act would show that this House in enacting that section really intended it as an enabling provision for permanent Benches being established in different places in States and that such permanent Benches or Circuit Benches, as are found in U.K. or in America, must have all the powers of the High Court with respect to exercise of jurisdiction under article 226 or otherwise, including all the powers to receive papers. What is the High Court going to do without papers? The Chief Justice

says that we must transfer the cases to his court. It is an entire *malis fide* action in law. Its *malis fide* would be seen in that although the notification which has been issued on 18-12-1956 establishing a Circuit Bench at Trivandrum is there, after all cases have been finished, he has not transferred a single case so far. It has been rendered nugatory. The notification has not been withdrawn so far by the Government. It has to be withdrawn by virtue of section 51. The Circuit Bench as a Bench under section 51(3) is declared to be there at Trivandrum, but it cannot function as a High Court.

*This is the position.* The hon. Minister might say: why not test the decision by taking it to the Supreme Court? Of course, I expect that question will be coming from him. Here is a man, who as a plaintiff in a small cause case, out of enthusiasm for it took it to the High Court and incurred unnecessary expenditure. But so far as he was concerned, he thought that public opinion demanded the incurring of that expenditure. When the High Court has decided the case against him, it involves a huge expenditure for a single person to take it in appeal to the Supreme Court. The worst of it is that after the decision of the Court—that case on which this writ petition was founded has ended in a decree—it has been compromised. So, the matter cannot now be taken to the Supreme Court. That is one aspect.

There is also another aspect. Now, there is no Bench functioning. Another case cannot be tried. I can quote over so many instances in which the Central Government have moved on the decision of High Courts, and not necessarily on final decision by the Supreme Court. Take, for example, the decision of the Bombay High Court in respect of the Insurance Act. There was an amendment to that Act. There was also an amendment sought in the Industrial Disputes Act on a decision of the Calcutta High Court. The correctness of these decisions was not tested in the Supreme Court. So,

why is it necessary that the correctness of this decision should be tested in the Supreme Court now? This is a demand of the people. It is not a mere technical interpretation. The entire people of the district demanded it. The pressure that has been put by the people caused the re-establishment, under section 51(3), of a Bench of the High Court as a High Court to function there and not for name's sake. That pressure was understood by the Governor. That agitation also which continued subsequent to the Chief Justice's decision that it has no institution powers continued till 19-2-1957 when the elections were due. Then, it was thought by the people that their voice would be well represented through the Members of the Legislature. So the agitation was suspended by the people. This was the most constitutional, most non-violent demonstration by all persons, irrespective of age, sex, creed etc., who took part in this. They thought that the most constitutional way was to voice it through the Legislature.

Shri Vasudevan Nair (Thiruvella)  
A real mass upsurge

Shri Easwara Iyer: Yes, a real mass upsurge.

After the elections, the Chief Minister of Kerala piloted a Resolution—an official Resolution—requesting the Central Government to establish a permanent Bench of the High Court at Trivandrum. It was supported by all Members of every party, even by the Congress Party. It was not only unanimously passed; it was actively supported. In fact, Congress Members and Praja-Socialists who spoke said that the Resolution as worded was not strong enough. The Resolution was carried without protest. It was passed in April, 1958 and sent to the Central Government. More than a year has elapsed since then. The Central Government have not made any whisper regarding that Resolution, not even a reply that they are negating it. They cannot say 'We won't establish a Bench'. There they took it up in the Kerala State, but

here they won't reply. This is the attitude.

So, whether it is a permanent Bench or whether it is a Circuit Bench as a seat of the High Court declared at Trivandrum, we want that High Court to have filing jurisdiction or institution power as a regular High Court. The proper and most constitutional course to be adopted is to put in an amendment to section 51 to clarify the position. The Nagpur High Court, which is a Bench of the new Bombay High Court, receives all papers. The Circuit Court here in Delhi receives all papers. In Jaipur also, it was till recently receiving all papers. What happened in Jaipur? In spite of the protest that has been made against abolition, it has been abolished.

I would respectfully submit to this House that where popular will has expressed itself and when the States Reorganisation (section 51) has contemplated the establishment of Circuit Benches, there is no justification for the abolition of such Circuit Benches. Rightly in Kerala, it was not abolished. The Government took it up there because there was a unanimous Resolution passed by the legislature.

So, the amendment proposed by me says in *Explanation*:

"Notwithstanding anything contained in this section or any other law for the time being in force or any notification, rules or orders issued by the Chief Justice of any of the High Courts in any State, Judges and Division Courts of the High Court for a State sitting at places other than the principal seat of the High Court whether under sub-section (2) or sub-section (3) shall have power and jurisdiction to receive appeals, original petitions and other proceedings presented or filed at the place of their sitting under sub-section (2) or sub-section (3)."

This will cure the defect, if any, to the satisfaction of the Judges of the Kerala High Court who, with great respect to them, have not correctly

[Shri Easwara Iyer]

understood the principle behind section 51 of the S. R. Act. It is the moral duty of the party in power to accept this Bill. At least, political morality demands it. They have been consistently supporting this position in the Kerala legislature, saying that such an amendment may be passed to enable the establishment of a Circuit Bench with full powers there. And, if they oppose us, people will react. That is all I have to submit.

Mr. Chairman. Motion moved.

"That the Bill further to amend the States Reorganisation Act, 1956 be taken into consideration."

Shri D. C. Sharma (Gurdaspur). Mr. Chairman, I wholeheartedly support the Bill brought forward by my hon. friend Shri Easwara Iyer. I agree with him that the Explanation which he wants to add to section 51 of the States Reorganisation Act is not an addition. It is not something which is a plus, it is not something which is going to add to what already exists, it is something which is clarificatory, something which is explanatory. And, I believe, that section 51 of the States Reorganisation Act, after this Explanation, will become more clear and more explicit than it is now. Of course, I say this in all humility because, after all, the States Reorganisation Act has been drafted with great care. But things which human beings do are not always perfect. Therefore, this Explanation or this amendment will be very helpful in making the meaning of this section as clear as crystal.

I am not a lawyer. But I have gone through section 51 of the Act a number of times. I have tried to understand its meaning. I am a humble student of English and I understand English slightly. So, I have asked myself, what does section 51 mean? What do clauses (1), (2) and (3) of section 51 mean? Clause (1) says:

"The principal seat of the High Court for a new State shall be at such place as the President may, by notified order, appoint."

This refers to the principal seat of the High Court. And then, clause (2) of this section says:

"The President may, after consultation with the Governor of a new State and the Chief Justice of the High Court for that State, by notified order, provide for the establishment of a permanent bench or benches of that High Court at one or more places within the State other than the principal seat of the High Court and for any matters connected therewith."

I think this sub-section adds to what has been said. Then sub-section (3) reads:

"Notwithstanding anything contained in sub-section (1) of sub-section (2), the judges and division courts of the High Court for a new State may also sit at such other place or places in that State as the Chief Justice may, with the approval of the Governor, appoint."

Therefore, it is clear. It says that the judges of the High Court can sit at more than one place, that there can be more than one seat of the High Court.

Somehow there has been some kind of—what word shall I use, I do not want to use a harsh word—there has been some kind of misinterpretation of this sub-section. Why? I find there has been no uniformity of practice. If the Explanation sought to be included by Shri Easwara Iyer is added, I think, all this ambiguity will be resolved. When that ambiguity goes away there will be uniformity of practice. I think what is good for the Punjab is good for Rajasthan; and what is good for Rajasthan should be good for Bihar, and what is good for

## BILL

Bihar should be good for Bengal. There should be a uniform practice. What is good for Bombay should be good for Kerala. I think, in a matter of this kind there should be no discrimination between one State and another.

When we give the people the highest kind of justice through these High Courts we should see that we practise no kind of discrimination so far as the seats of the High Courts are concerned. Common sense demands that there should be uniformity of practice. As the hon. Mover of the Bill has said there are some States which have already followed this practice. Therefore, I do not see any reason why this practice should not be followed in the interests of uniformity.

At the same time this practice should be followed also in the interests of what I may call meeting the wishes of the public. The High Court is meant for the public. The High Court is an expression of the judicial conscience of the public. The High Court is a symbol of the authority of law for the public. I would say that so far as these things are concerned we should try to avoid agitations in our country.

In some States there has been agitation because the seat of the High Court was removed from one place to another. I know there has been a long drawn-out agitation in some States—I do not want to mention the names of those States. I do not see any reason why, in the first place, there should be an agitation when the High Court is taken from one place to another. And if the public which is going to indulge in litigation is insistent, I do not see any reason why the Central Government or the State Government or the Governor should stand in the way of the public and not concede this demand.

Shri Narayanankutty Menon (Mundapuram): Only the Central Government is standing in the way.

192 L.S.D.—7.

Shri D. C. Sharma: I do not understand it. I think, in these matters, we should try to meet the popular will. Again, I would say that for the last 12 years or so we have been hearing that justice should be made cheap and speedy. Of course this cry was also there when we were not free. But, since Independence this cry has gained in volume and in intensity and also in what I may call insistence. This cry is heard everywhere from the lowest court to the highest court. The expenses of the public which indulges in litigation go up in proportion to the importance of the court. You may be spending a small amount when you are fighting your case in a district court. You may have to spend more money when you are fighting your case in a Sessions court. And, when you go to the High Court you will have to spend far more money than in the district court. Of course when you go to the Supreme Court you will have to spend much more than that too. Therefore, the expenses of litigation go on increasing as you go up, from the lowest rung of the judicial ladder to the highest rung.

India is a country where the per capita income is not very high. India is also a country where we want people to have justice as quickly as possible and justice as cheaply as possible. We are talking in terms of free legal aid. We want all these things because we want to be free from worry. One of the ways of lessening the worries of the public which has to go to the law courts is this, that the High Court should have more benches than one. I know that it will be said that the High Court has a sanctity. Of course, it has the highest kind of sanctity. But to associate that sanctity with a particular place or city or locale is something that I do not understand. The High Court is a temple of justice, there is no doubt about it but we think of a High Court more in terms of a religious sanctity than in terms of judicial sanctity. The majesty of the High Court will not suffer if this kind

[Shri D. C. Sharma]

of concession is given. I believe that the High Court's sanctity does not depend upon the place; it is contingent upon its personnel, the High Court Judges, and the function that it discharges. It does not matter where a High Court sits. There is a Persian proverb which says that that place is the seat of the chair where the Chairman sits. Wherever you have Judges, that place will be the High Court; it is not that the High Court should be restricted to a particular place.

Take Chandigarh which is the seat of the Punjab High Court and there is something also at Delhi. Previously, it used to be at Simla. I know what a financial burden it used to be upon those persons who had to go to Simla. They had to go to Simla in all kinds of weather, summer or winter. It was a big hardship upon those persons. Now, we have the High Court at Chandigarh. The High Court should be within the easy reach of the public. If this thing is taken into account, I believe the geographical limitations which a particular place places upon the High Court will disappear. I would therefore very respectfully submit, that in view of what is happening in this country and also in other countries, this thing should be accepted by the Home Minister.

I am very sorry that my hon. friend Shri Iyer based all his arguments upon his own State. I do not have anything against that State. I merely say that all his arguments were based upon Kerala and Kerala only.

Shri Easwara Iyer: I came to Jaipur also.

Shri D. C. Sharma, I have nothing against Kerala. I like Kerala and I love Kerala. (Interruptions.) But I was sorry that an M.P. of his distinction and a lawyer of his kind did not widen the scope of this discussion. I am sorry to say that he narrowed the scope of the discussion.

Whatever he did, I believe that this thing will have greater usefulness than the usefulness to which my hon. friend referred. If this is done, the public and the lawyers all over our country will feel happy and they will feel happy not only with my hon. friend Shri Iyer who has piloted the Bill but more happy with the hon. Home Minister who is going to support and accept this Bill.

Shri Kasthwal (Kotah): Mr. Chairman, Sir, I believe that it is a very amiable circumstance that a discussion of such a matter which has arisen over the Bill brought forward by my hon. friend Shri Iyer, should have come, so soon after the discussion over the report of the Law Commission which we discussed yesterday. We also discussed the question of High Court Benches there. It is a fortunate circumstance for the hard-hit litigants of those big States where they have to go to a forum for filing writs or for vindicating their Fundamental Rights that this discussion should have come up today so soon after the discussion of the report of the Law Commission. I have risen to support the amendment put forward by Shri Iyer. When the States Reorganisation Bill was under discussion in this House, I hope you would also recall, it was never thought that under section 51 of the Act—which was clause 53 then—under section 51(iii) of the Act, the powers of the Governor to appoint a bench would be restricted to the extent that the High Court bench which was appointed under that section would have no powers of institution. It is possible that the Governor has appointed the bench for a specified period. I will go further and say that if the President has appointed a bench for a specific purpose or for a specific period, you can say that that particular bench has no powers of institution. But if a bench has been appointed with the consent of the Chief Justice by the Governor, how can you say—unless it is for a specific period—that that

## BILL

bench has no powers of institution? With all respect to the learned Judges of Kerala, I do not know how they have interpreted section 51(iii). I had been from Ernakulam to Trivandrum; it is almost 150 miles and it takes one whole day in a bus. There is not even a rail connection.

Shri Easwara Iyer: Now, there is a rail connection.

An Hon. Member: It takes more time now.

Shri Kasliwal: What is the good and how can a person go to vindicate his Fundamental Rights if he is not provided with the forum? I say this; I said it yesterday also my State is a State which is sprawling almost all over the western India. How can a person go to vindicate his right 400 or 500 miles if the bench in Jaipur had been abolished? If the Jaipur bench is restored and if this particular matter comes up, then they will say: although we have restored the bench in Jaipur, because of the decision of the Kerala High Court, the Jaipur bench has no power of institution. Then the whole purpose of setting up or restoring the bench is lost. What is the good if it becomes a *functus officio*? That is what has happened in the case of Kerala.

16 hrs.

I strongly support the amendment. In the words of my hon. friend Shri D. C. Sharma, if there was an ambiguity in 51(iii), it should be cleared up. I believe that by this explanation, ambiguity will be cleared and I see no reason why the Home Minister should not accept this. After all, what was the purpose of section 51 which dealt with the question of the High Courts and also permanent benches? Section 51(i) says that the seat of the High Court will be such and such. Section 51(ii) says that permanent benches may be appointed in consultation with certain persons by the President. It means that the President who has the power to appoint Benches has also the power to dispense with the Benches and nobody else can do

it. Then sub-section (iii) also comes in. My hon. friend, Shri Easwara Iyer, has given the instances of Nagpur and some other places where these Benches have been appointed by the Governor in consultation with the Chief Justice. Therefore, there is no reason why such Benches should not have the power of receiving applications, of receiving suits and of institution of other cases.

With these remarks, Sir, I support the motion moved by Shri Easwara Iyer.

Shri Achar (Mangalore): Mr. Chairman, Sir, I am also very glad to support this Bill, which my hon. friend, Shri Easwara Iyer, has moved. Though not for the weighty reasons given by my hon. friend, I would be supporting it simply from the point of view of the clients. We have to consider the interest of the litigant public more than anything else. I am afraid, Sir, the discussion has gone wide away from the point really involved in this small Bill, which attempts only a change of procedure. There is no substantial right at all involved in this matter. I was wondering why my hon. friend, Shri Easwara Iyer, was travelling from China to Peru and introducing all sorts of political considerations, *satyagraha* and everything in a small Bill like this which involves only a small matter of procedure.

What is the simple point involved in this Bill? I am afraid my hon. friends who spoke before me went wide away from the point involved. What is the Bill? The Bill only says this much—and it does not apply only to Kerala but it will apply to all over India—that if there is a Division Bench of the High Court sitting in a particular place that Bench should be allowed not only to hear appeals but also to receive those appeals, receive applications or any other proceedings which the High Court is entitled to receive. This is all the point. Whether it be in Kerala State, Rajasthan, Bombay or wherever it be, all that



[Shri Achar]

this amendment provides for is, wherever there are these Benches of High Courts sitting those Benches must be allowed also to receive appeals, receive proceedings or petitions.

I would submit, from the point of view of clients this is a very necessary convenience. Those of you who have some experience of practice know that if a client wants to file an appeal he has to engage a lawyer both for filing the appeal and then for arguing it. Now, as it is, what will happen is this. Take the case of Kerala. If a client wants to file an appeal, he has to go to Ernakulam, engage a lawyer, pay him the fees and then get the appeal filed. When it comes up for hearing, it will go to Trivandrum. If the case is within that jurisdiction naturally it will be transferred to Trivandrum. I hope that is the practice. Then what will happen is, either the client must get the lawyer from Ernakulam to Trivandrum or engage a new lawyer at Trivandrum. Whichever be the case, it will be a costly affair. Therefore, this is the one convenience more than anything else that we have to consider.

There is no other substantial law or anything provided for in this. I do not know why Shri Kasiwal or Shri Sharma or, in fact, the Mover himself introduced all sorts of other political considerations into this Bill. I support this Bill simply on the ground that it is a mere procedural matter. It is a convenience for the lawyers also. If one lawyer has studied a case once it need not be studied by someone else. I would submit that we need not go into the question as to whether the interpretation of the Kerala High Court is right or wrong. It may be right or wrong. As lawyers and also as ordinary people, we must accept the interpretation of the Chief Justice of the high court. Let us accept that interpretation.

There is this small defect or difficulty, namely, that nobody can file those appeals before the High Court. This is made clear by this amendment. Thereafter, this advantage through this amendment will accrue. So, I would submit that there is no substantial right here. It is a convenience for the public, for the clientele and for the lawyers as well. From these points of view, I would request the Home Minister to consider this aspect of the question and accept the amendment.

Probably, the objection is raised on the grounds of administrative convenience. So far as these benches are concerned, whenever they go and sit in other places, as circuit benches, they have no permanent staff or establishment in those places where they can sit and hear the appeal. That is a difficulty. But even there, it is not a real difficulty. After all, there would be a permanent district court there. The district courts may be authorised to receive those appeals.

Another question may arise. Supposing an appeal is filed. The question of interim orders comes up. As soon as an appeal is filed, often it happens that a client wants stay orders. That difficulty may be there. It is rather inconvenient, no doubt, but then, unless it is an urgent matter, it need not be taken up immediately. If any urgent matters come up, probably, rules may be framed so that they may be taken up and moved in the high court. Otherwise, they can also be kept pending till such time when the bench comes and sits there. There seems to be no inconvenience whatsoever when we look at the question from any point of view.

Let us not bring in political considerations. This is a convenience which is required by the clients, by the lawyers and by the public. I shall gladly support this Bill. I have rare occasions when I could agree with



Shri Easwara Iyer and other friends from Kerala. But at least on this occasion, I am glad that I had this opportunity to agree with them. I request the Home Minister to consider this aspect of the question and, if possible, accept the amendment.

Shri Narayanankutty Menon: Mr. Chairman, Shri Achar *inter alia* raised a very pertinent point. He wanted to know why Shri Easwara Iyer was speaking about politics when the matter was a very simple one, and could be disposed of within a minute or two. I would like to state and tell Shri Achar that the matter is not such a simple one. If he looks into the protected course the very same matter has travelled ever since the States Reorganisation Act came into being and much earlier before the integration of the States of Travancore and Cochin was brought about, he will realise the difficulty

Shri Achar referred to the difficulties of lawyers who are practising at the permanent seat of the high court. If this is the consideration I should be the first man to oppose the Bill, because I am a person who practises at the headquarters of the high court and getting some cases from Trivandrum. It will be against my own personal interest if a bench or other convenience is given at Trivandrum. But the whole question from the very beginning has been that the high court was at Trivandrum and when the high court was shifted to Ernakulam after the integration, certain vague promises were given by the then ruling party and the Government that at least a convenience would be extended for those litigants in the Trivandrum district and also the adjoining districts so that a bench would be retained at Trivandrum. They waited till the States Reorganisation Act came into being. When that Act came into being, it was said that section 51(3) was wide enough and that the Chief Justice could very well order, by making administrative orders, the filing of cases and getting them heard by the circuit bench

which was going to Trivandrum at that time. That was to be done as a matter of convenience for the litigants at Trivandrum. But unfortunately, the matter had to be taken in a writ petition before the High Court and it is quite understandable why the High Court took a different view. But we were not surprised by the view taken, because as you will very well understand, a very anomalous position arises when the administrative orders passed by a High Court are questioned before the same High Court. There is very real difficulty when the Chief Justice exercising his administrative jurisdiction passes an order and that order is questioned before the same court. The junior judges sit in judgment over that order and it will be very embarrassing for them to consider an order passed by the Chief Justice, whether technically it is an administrative or judicial order.

Unfortunately, the two junior judges, who heard this, petition okayed the Chief Justice's order. As pointed out by Shri Easwara Iyer, while addressing the Bar Association in Trivandrum, the Law Minister almost expressed the opinion that with all respect to the High Court, he could not agree with the judgment given about the interpretation of section 51(3). Many eminent lawyers both in the State and elsewhere expressed their opinion that the High Court had gone a bit wrong in giving its interpretation of section 51(3).

Twice or thrice this matter was raised before this House in the form of questions and last time the Home Minister answered that the matter was being taken to the Supreme Court. It is a wrong answer, because nobody took the matter to the Supreme Court at all. Nobody desired to take it, because, as my hon. friend Shri Easwara Iyer pointed out, there was one case in the Trivandrum bench; the High Court passed this order and by the time a copy was applied for, the case was compromised by the client, because the client was interested in his Rs. 100 or Rs. 150.

[Shri Narayanankutty Menon]

He was well satisfied by his laborious litigation before the Ernakulam bench and he was least interested in getting the matter settled by spending Rs. 5,000. He ran away from the advocate, because he was afraid that the matter settled by spending of public interest to the Supreme Court and there was a compromise.

Now a very peculiar position has come. Even though by the Governor's Proclamation, a division bench is to go to Trivandrum, by the administrative action of the Chief Justice, the entire notification has become nugatory, because a few months back, when the last case was being heard, the Chief Justice refused to transfer any case. So, that notification has become nugatory. Under those circumstances, I request the hon. Home Minister to tell this House, quite honestly, without any political prejudice, what is the course of action left. When the interpretation of a particular section of a statute is quite contrary to the intention of this Parliament, what is the remedy left? Is it open to the Home Minister to tell the Public to take the matter to the Supreme Court and incur heavy costs or is it left to Government itself to come with a clarificatory amendment, just as they have done in many other matters by passing ordinances? If the Home Minister is going to say that this matter should be clarified by the Supreme Court, it is impossible, because there is no case left to be heard by the Trivandrum bench; there is nobody left in Trivandrum and the division bench is not going there. That is an impossible proposition he is going to put before the House.

On a matter of principle also, he cannot say that, because let him declare what was the intention of this House when it enacted this statute. Was it the intention that the Chief Justice of a particular High Court should have jurisdiction to pass an order like this when power is given to the Governor to notify that a division bench can be set up? While the Governor of the State is satisfied or

a division bench being set up and the Governor has notified it, how can the Chief Justice come and stand in the way? Let the Home Minister say whether it is not against the intention of this House. If he can agree that this was not the intention of the Government and of this House, while enacting section 51(3), what is the difficulty for him to accept this amendment? If he is going to stand on either prejudices or prestige, we are prepared to withdraw this Bill let him bring a similar Bill and get it passed. That also could be done. Therefore, an answer is called for, so far as that particular matter also is concerned.

I will finish by just pointing out to my hon friend, Shri Achar, who said that politics is imported into this matter, that this has been the subject matter of intensive political agitation in the State of Kerala for the last three years.

Shri Achar: That may be so, but ..

Shri Narayanankutty Menon: And deliberate attempts have been made by many political parties to make political capital out of this, by dividing the people of Kerala into Travancore people, Cochin people and Malabar people. And it is only when the new Assembly came into being that the Government brought a resolution and tested the *bona fides* of each political party, and every political party supported the resolution and the resolution was passed—the ex-Congress Chief Minister, Shri T. K. Narayana Pillai was the supreme commander of the agitation—in order to get a division bench at Trivandrum, and the agitation was withdrawn only the assurance given at that time that immediately the new legislature comes into being something would be done in the matter. I remember, I saw the discussion in this House the apathy of the Central Government for the last one and a half years and the utter silence of the Congressmen of the State of Kerala over this utter silence of the Central Government.

I am reminded of the remark made by the Vice-President in Calcutta that the main difficulty in India today is not political differences, but it is almost a crisis in the character of individuals and political parties. Regarding this particular question I would go a step beyond and say that this is not a question of crisis of character but this is a question of collapse of character, because the Congress party in the Kerala State, in the Trivandrum district, who were in the forefront of the agitation just a year before.....

Shri V. Eacharan: Only the Trivandrum district people.

Shri Narayanankutty Menon: I did not know that the Kerala Congress was divided by a partition deed into Travancore Congress, Cochin Congress and Malabar Congress. I thought the Trivandrum District Committee of the Congress Committee and the Kerala Provincial Congress Committee were of the same view and I thought that Shri Parur T. K. Narayana Pillai is still a Congressman. The District Congress Committee of Trivandrum has passed a resolution, and the Leader of the Opposition in the Kerala Assembly belonging to the Congress party extended his wholehearted support to the resolution. He even criticised the resolution on the ground that the resolution drafted by the Chief Minister was not strong enough to condemn the attitude taken by the authorities concerned. I thought Shri Chacko was representing the Congress and I did not think that Shri Chacko was representing a few members of the Trivandrum district at that time.

Now an accusation was brought against the Communist Government of Kerala, immediately the resolution was passed—I say, within 15 days of the passing of the resolution—by the Congress saying that this particular Communist Ministry is hand in glove with the Central Government. They are not doing anything, that the Chief Minister goes to Delhi only to have a talk with the Home Minister there. In one line, they are not doing any-

thing, that accusation was brought against the Kerala Government.

Sir, I am completely dissatisfied with it and I am sorrowful today, because I find that not even half a dozen members from Kerala, who have supported the agitation, are not present here when this most important topic is being discussed. Shri Pattom Thanu Pillai, the undisputed leader of the Praja Socialist Party, went to jail for this agitation, and that Praja Socialist Party has also withdrawn from this. I am pointing out this today because I am reminded of the say that what is prevalent today is the collapse of the character.

I request the hon. Members who are coming from Kerala whether they belong to this party or that party—unfortunately, Dr K. B. Menon, the only Praja Socialist member from Kerala, is absent today—to support this Bill; not only to support the Bill, but if they have got any conscience left, if they have got any *bona fides* in them and if they want to serve the people of Kerala, let them stand by their demand for a bench at Trivandrum. Let them defy the party whip of the party also, because they have come here. I know what is standing between the Home Minister and Shri Easwara Iyer today in the matter of support for the resolution is the party whip of the Congress party, because undisputably every Congressman has given his support to this resolution. If they have got any *bona fides*, if they want to further the promise they have given to the people of Kerala that they will do their best to get a bench at Trivandrum, let them vote for this, because we are pressing for a division on this; let them not go away without voting. I also want to tell the Home Minister that this is only a clarificatory amendment. There is no difficulty in that, not even an administrative difficulty, as envisaged by my hon. friend, Shri Achar, because when the Chief Justice decided not to send a division bench there, and not to transfer the cases there, there was a

[Shri Narayanankutty Menon]

Deputy Registrar and staff sitting at Trivandrum. Only when the Chief Justice decided that hereafter no case should be sent to the Division Bench and the Division Bench should not go to Trivandrum, the entire staff was withdrawn. So, I am telling that the old arrangement of a Deputy Registrar and only one clerk be restored at Trivandrum. The building is already there, lying vacant. The library is there. Everything is there. I cannot envisage, nor can any hon. Member in this hon. House envisage, any difficulty as far as the establishment of the bench is concerned. If at all there is any *bona fide* in the stand of the Congress Party, let the hon. Home Minister accept this amendment and let the difficulties that are suffered by the people of Trivandrum be removed.

16.21 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

The only interested party in the Kerala State, which I could know from the public utterances, was a section of the lawyers of Ernakulam. Of course, I fully understand the grievances of some of the lawyers of Ernakulam. Their grievance is that if the Division Bench is given at Trivandrum, some of the cases will be lost. It might be that a few lawyers may lose a few cases. But what about the interests of the people of the entire district? Now, justice is being completely denied to them practically.

**Shri Jinachandran** (Tellichery): What about the benches in the northern parts of Kerala?

**Shri Narayanankutty Menon**: I could not hear him.

**Mr. Deputy-Speaker**: Then it is not intended for him.

**Shri Jinachandran**: What about the benches in the northern parts of Kerala?

**Shri Narayanankutty Menon**: He did not stand in the way of a bench at Calicut. If they want it they dare not

ask because of political reasons. Therefore what I am pointing out is that a small number of lawyers is there who seriously oppose it. They may be very big lawyers but their position is based on their own considerations.

**Mr. Deputy-Speaker**: They are troublesome everywhere.

**Shri Narayanankutty Menon**: I am submitting that feeble objections have been raised by a few lawyers which have been completely ignored. The resolution has been unanimously passed by the Assembly. This demand supported by the entire section of the population not only of the Trivandrum District but of the Quilon District also be accepted in the absence of any reasonable objection on the part of the hon. Home Minister to accept this clarificatory amendment. I will be glad that the hon. Home Minister, at least at this very late stage, will be fulfilling a promise and an undertaking given by the Congress Party in the State long before, thrown overboard by his own brethren in the State because of some other reasons now.

**Pandit M. B. Bhargava** (Ajmer): Sir, I congratulate the hon. Mover of this Bill for affording me an opportunity to give expression to my views on a very important question. The Bill raises the fundamental question of the power and jurisdiction of the benches of the High Courts. On a plain reading of section 51, clauses 1, 2 and 3, one fails to understand as to why the Kerala High Court should have come to the decision to which it has come. So far as the setting up of a bench of a permanent character, as envisaged by section 51(2) is concerned or so far as setting up of a bench of a temporary character as contemplated by section 51(3) is concerned, that deals only with the question of the temporary or the permanent character of the benches. But so far as the jurisdiction question is concerned, the bench, whether it be permanent or temporary, must have the same jurisdiction

## Bill

as the main High Court itself. It is un-understandable that on the language of the section, with due deference to the views of the Travancore High Court, how it could come to the conclusion that the jurisdiction of a bench temporarily formed under section 51 (3), which is to be set up by the Chief Justice in consultation with the Governor, is restricted. That does not deal with any restriction upon the jurisdiction of such a bench.

If the matter is considered further and if that interpretation is to prevail that interpretation must only govern the temporary benches set up under section 51(3). But that can equally apply to the permanent benches to be set up under section 51(2). That means that the institution of appeals and other proceedings can take place only at the main seat of the High Court and the permanent or the temporary benches will deal with only such cases which are transferred by the seat of the High Court. If this is the interpretation the very utility of this provision will go. I respectfully submit that the question that is raised by this Bill is of a fundamental and substantial character. If we go into the genesis of the view that has been expressed by the Travancore High Court, it appears that the confusion has been created by the Law Commission's report that came up for discussion before the House yesterday. The Law Commission has, in its interim report submitted on the 26th of August, come to the conclusion, to a very firm and unanimous conclusion that there should be in every State a unified seat of the High Court. It expressed unequivocally and in unambiguous language against the establishment of or continuance of Benches in any State. This is a question of fundamental character.

So far as the Government of India is concerned, so far as the responsibility of the President under section 51 is concerned, the Government of India has chosen to take a lukewarm attitude. It has not so far expressed itself whether it is going to accept

that recommendation or it is going to reject it. It is on account of this wavering and vacillating policy that this confusion has arisen. The interpretation that has been given by the Travancore High Court restricting the jurisdiction of a temporary Bench under section 51(3), is, I respectfully submit, a result of the vacillating policy of the Government of India. This matter should not be allowed to go on in this manner. It has already affected the State of Rajasthan inasmuch as the Rao Committee report made this recommendation of the Law Commission as an excuse for its strong recommendation in abolishing the Bench from Jaipur. The question has to be considered. Why is the Government, which stands for equal treatment for all, which is guaranteed to us by the fundamental rights enshrined in Part III of the Constitution, following this discriminating policy from State to State? If the policy of Benches is to be accepted, all the States must have the same facility.

So far as public opinion is concerned, it has asserted itself and it has been, wherever expressed, expressed in favour of Benches. The reason is quite clear. It is an accepted policy or rather, it is primary duty of every civilised State to make dispensation of justice as cheap and as expeditious as possible. The policy of having different Benches with jurisdiction over different regions of the same State is but a necessary result of this policy of cheap dispensation of justice. I would pray to the hon. Home Minister that, in view of the fact that this vacillating policy has been responsible for creating injustice to the people of Rajasthan, it will now come to a firm conclusion and announce whether it accepts the recommendation of the Law Commission for a unified seat. If that is to be done, it must have the courage and determination to implement that recommendation in respect of all the States and not victimise Rajasthan alone.

Again, if a unified seat of High Court is to be located, it must be

[Pandit M. B. Bhargava]

located at the central place; in Rajasthan in a place like Ajmer or some central place, not in a nook or corner where people will have to travel 300 or 400 miles for institution and for hearing. It is a well known fact that litigants usually like their cases to be conducted in the appellate court by the lawyers whom they had engaged in the lower court, and that means a great expenditure to the litigants.

I respectfully submit that if Government accept the policy of unified seat of a High Court, then in my State, the High Court must be shifted and brought to a central place, if they do not, then the injustice done to my State of Rajasthan should be undone by re-establishing a Bench at a central place or at Jaipur or at any other place.

With these words, I wholeheartedly support the Bill.

**Shri Jinachandran:** I oppose the Bill brought forward by Shri Easwara Iyer.

When the Travancore and Cochin States were integrated, the Centre was in agreement with the proposal that the headquarters of the State would be at Trivandrum, while the High Court would be established at Ernakulam. That was how actually the High Court was established at Ernakulam.

Now, according to Shri Easwara Iyer, a Bench must be established at Trivandrum. If that is the case, then, I think,

**Shri Narayanankutty Menon:** Nobody asked for a Bench here.

**Shri Jinachandran:** every district will be demanding a Bench at every district headquarters. That means that the sanctity of the High Court would be lost. And tomorrow, other States may also demand that the Supreme Court should also be transferred to the different States in

order that the expenses would be reduced very much. In my humble opinion, this should not be allowed, and this is not called for. Therefore, I oppose the Bill.

**Shri V. Eacbaram (Palghat):** I had no intention to take part in the discussion. But Shri Narayanankutty Menon took this opportunity to accuse the political parties, especially the Congress. The agitation for a High Court Bench at Trivandrum, I may point out, was not a political issue. It was only confined to the district of Trivandrum. They were simply drawing the other parties into the politics. I may point out that all the Bar Associations of Kerala, except that of Trivandrum, have condemned this move, and they have also passed resolutions saying that this should not be allowed and condemning the way the agitation was being carried on.

As my hon friend Shri Jinachandran has pointed out, when the Travancore and Cochin States were integrated, a convention was arrived at that the High Court would be at Ernakulam while the headquarters of the secretariat would be at Trivandrum. At the time of the establishment of a Bench at Trivandrum, the Kanyakumari district was in the Kerala State, and the people of the Kanyakumari district and other people who were at distant places had to face a lot of difficulties in going and filing their cases and applications at Ernakulam, that was why the Bench at Trivandrum was allowed.

**Shri Vasudevan Nair:** Is the hon. Member aware that the Executive of the Kerala Congress passed a resolution supporting this?

**Shri V. Eacbaram:** That was the position at that time.

**Shri Narayanankutty Menon:** Is the hon. Member aware of that factor?

**Shri V. Kacharam:** The hon. Member has had his chance already; now, let me have my say.

Now, the Kanyakumari district has transferred to the Madras State. Now, the Kerala State is small, and it consists of only nine districts. The distance is not also very great, and the High Court at Ernakulam is centrally situated from Trivandrum on one side and Kasargod and Cannanore on the other. It is also a very convenient place.

I would submit once again that it was not a political issue. The political parties were not interested in taking part in this movement. It is only the Bar Association and the advocates who were interested in the establishment of a Bench who supported this movement. The others who could realise the difficulties and who were aware of the expenses involved in going to a High Court and filing cases have passed a resolution opposing the move and condemning it like anything. **Shri Easwara Iyer** had stated that all the parts of Kerala had supported this move. But I would like to point out, that all the parts of Kerala except Trivandrum, have condemned this agitation like anything; it may be that all the political parties of that district might have joined, because that is a local demand and nobody could be left out. That was the position at that time. This was not a political movement there.

We have no objection to allowing any number of High Court Benches in a State. At the same time, it must be remembered that Kerala is a small State. When this sort of movement was there, the people in other places such as Cannanore, Kozhikode and Palghat etc were also demanding similar Benches; this is not a desirable thing. Of course, we have no objection to have easy, cheap and quick dispensation of justice; in the same way, supposing the people of Kerala or any other State demand a Supreme Court Bench at Madras or

Mysore or in Kerala, what would be the reaction. But accusing the political parties with a certain motive is a painful thing. It was a very painful thing for me to find that **Shri Easwara Iyer** and **Shri Narayanankutty Menon** have taken this opportunity to accuse the political parties.

I have no objection to it if the Government accept this Bill, but I object to any Member taking this opportunity to accuse others. This is all I want to say.

**Shrimati Parvathi Krishnan** (Coimbatore) So he has supported it

**An Hon. Member:** Yes

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** I heard with great interest the passionate and eloquent appeal of the hon. sponsor of this Bill as also of a number of other hon. Members. May I point out at the outset that there are certain difficulties in accepting this Bill because its scope has wider significance than what the hon. Member has in view?

We had the Report of the Law Commission. They gave first an Interim Report and thereafter their Final Report, on this question and also on other questions. That is already before the House. Only yesterday we had a debate on the Law Commission's Report regarding the administration of justice. There were also suggestions for amendment pointing out the need for having more Benches. That debate has been postponed; it is not yet completed. Therefore, I would not like to say anything so far as that discussion is concerned. But there are certain circumstances which we should take into account. The first that I would point out in this connection is that we must understand that the States Reorganisation Act which was passed by Parliament has made a clear distinction between a permanent Bench and a temporary



[Shri Datar]

Bench. Now, two aspects of this question have been ignored by hon. Members who have supported this Bill. One is that we have to consider and implement, to the extent possible, the recommendations of the Law Commission, one of which is to the effect that there should be only one seat of a High Court without either a permanent Bench or even a temporary Bench. It is not possible to set aside or ignore the views of the Law Commission.

**Shri Easwara Iyer:** The Law Commission in their present Report have not dealt with the seat of a High Court. They have referred to it in their Interim Report which was placed on the Table of the House prior to the passing of the States Reorganisation Bill. So it must be deemed to have been rejected by this House.

**Shri Datar:** I am not going to accept that position at all. So far as the views of the Law Commission are concerned, they had stated them at an earlier stage in their Interim Report. May I add that they have confirmed the same in their Final Report? What they say has to be duly taken into account. The Law Commission have definitely set their face against having any Benches at all.

**Shri Easwara Iyer:** Still we passed the Bill.

**Shri Datar:** That view has to be considered. Though, as a matter of fact, there are certain Benches, I shall try to say very briefly today exhaustively when the debate on the Law Commission's debate is resumed, that wherever there are such Benches, they are as a matter of historical importance, and the sooner those Benches are abolished the better. That is the opinion of the Law Commission, a body of legal experts consisting of High Court Judges and others who have had a very long experience in this respect. They have considered

the whole matter. Unfortunately, this aspect of the question has escaped the attention of hon. Members who have supported this Bill. What is essential is that the High Court has always to maintain its highest place and the standard should not be lowered at any stage. This is what they have said.

"The efficiency of the administration of justice should, in our view, be the paramount consideration governing this matter. The structure and constitution of the courts should not be permitted to be influenced by political considerations. That this has happened in the past in certain cases can be no valid ground for the extension of that policy. The Commission is of the view that we should firmly set our face against steps which would lead to the impairment of the High Court with the inevitable consequence of the lowering of the standards of administration of justice."

Therefore, we have the experts' view that the High Court should be only at its permanent seat and should have no Benches at all. This is a point which has to be fully considered and accepted, in my opinion, to the fullest extent because this is a very important matter.

**Shri Narayanankutty Menon:** The Law Minister speaking on the Law Commission report said that some of the recommendations made by the Law Commission are not acceptable to the Government. So, where is the sanctity of the Report? You are accepting whatever is convenient to you.

**Shri Datar:** No question of convenience or anything. Let us not bring in convenience or political considerations. We do not deal with this matter in this way. So far as this question is concerned, let us consider it solely on merits.

Now, we have before us the authoritative opinion of the Law Commission. That is a matter which has to



be fully appreciated by the hon. House. They desire that there should be only one seat, the principal seat of the High Court; otherwise, the standards are likely to be lowered. That is their view.

As you are aware we had integrations. First we had the integration of the former Indian States. Then we had the integration under the Union. Therefore, as a matter of historic record, there were High Courts in some States and these High Courts did continue for some time.

Take the case of the former Cochin State and the former Travancore State. There also we had separate High Courts for each of these States. When the question of the integration of these two important Southern States arose, then the parties agreed. There was an agreement. It was a term of the agreement of integration that at Trivandrum there should be the seat of the executive government and also the Legislature.

**Shri Narayanankutty Menon:** Who agreed to this?

**Shri Datar:** When the integration took place I am quoting from the agreement. It was a term of the agreement.

**Shri Narayanankutty Menon:** You mean the covenant.

**Shri Datar:** Yes; it was a term of the agreement. If the hon. Member wants, I shall read it.

"Before the integration of the States of Travancore and Cochin there were two separate High Courts for the two States. The seat of the High Court of Travancore was at Trivandrum and that of the High Court of Cochin at Ernakulam. The Travancore and Cochin Integration Committee which was appointed to go into the problems of integration of the two States, recommended that in order to satisfy the sentiments and wishes of the people of Cochin, who were losing both the seat of

their executive Government and of the Legislature the seat of the High Court for the new State might be located at Ernakulam."

#### Bill

The executive Government as also the Legislative machinery were kept at Trivandrum. This is a point which has to be understood very clearly. That was agreed to between the two parties when the integration took place.

Then, naturally, when this integration took place, we got the Travancore-Cochin High Court established at Ernakulam. That continued for some time. Then, there was a desire that a temporary bench should be established at Trivandrum. The matter came up before Parliament and Parliament passed an Act known as an Act further to amend the Travancore-Cochin High Court Act, Act No 38 of 1953. Therein it has been stated that such Judges of the High Court not exceeding three in number as may from time to time be nominated by the Chief Justice shall sit at Trivandrum. It is a great coincidence that the same expression occurs also in the States Reorganisation Act.

Then, we come to the States Reorganisation Act. Therein, they have made a clear distinction between a permanent bench and a temporary one. Permanent benches had been provided for under section 51(2). It is for the President to establish a permanent bench. It reads:

"The President may, after consultation with the Governor of a new State and the Chief Justice of the High Court for that State by notified order, provide for the establishment of a permanent bench or benches of that High Court at one or more places within the State other than the principal seat of the High Court and for any matters connected therewith."

Thus, it is not merely a wrong interpretation of the order, as my hon.

[Shri Datar]

friend put it. It is deliberately put in here. In this case we have been told what a permanent bench would be and how it is to be established. Now, kindly mark the distinction between sub-section (2) and sub-section (3) of section 51. Sub-section (3) says

"Notwithstanding anything contained in sub-section (1) or sub-section (2), the judges and division courts of the High Court for a new State may also sit at such other place or places in that State as the Chief Justice may, with the approval of the Governor, appoint."

The States Reorganisation Act was passed. After the passing of that Act, the Travancore-Cochin High Court came to an end. It was automatically abolished and in terms of this Act, the Kerala High Court was established at Ernakulam. That was under section 51(1), the seat also was fixed.

Then the question arose as to whether there should be a permanent bench at all at Trivandrum or whether a temporary bench should be established. There was some agitation to which the hon. Member referred. I would not enter into the political or agitational aspect of that matter at all. In 1957, if I mistake not, under section 51(3) of the Act, there was a temporary bench with the approval of the Governor and it is now sitting at Trivandrum. That is the position which we have to understand.

Unfortunately, there is a difference of judicial opinion between the Kerala High Court on the one hand and some of the other High Courts on the other.

Shri Easwara Iyer: All the other High Courts

Shri Datar: It cannot be said that all the other High Courts had disagreed.

Shri Namayanankutty Menon: Can you point out a single instance where another High Court has concurred with the ruling of the Kerala High Court?

Shri Datar: You will, therefore, Sir, find a very delicate situation in this case. The Bombay High Court and the Madhya Pradesh High Court came to the conclusion that it would be open even to a temporary bench under section 51(3) to receive applications, appeals, etc. In other words, they have institutional powers as we may put it roughly. But here, in this case, as it was the subject-matter of a judicial interpretation, the matter went up to the Kerala High Court. The Chief Justice of the Kerala High Court came to the conclusion that section 51(3) did not allow him to give the institutional powers to the temporary bench at Trivandrum and therefore, he did not accept such of these cases that were purported to have been filed at the Trivandrum bench.

Then, as my hon. friend has pointed out, the matter went up before a Bench of the Kerala High Court. The Kerala High Court came to the conclusion that Section 51(3) did not allow the powers of receipt and powers of institutions so far as the temporary Bench at Trivandrum was concerned. Therefore, here we have a judicial decision which should be taken into account. Though it is true that in the case of some other High Courts

Shri Easwara Iyer: All other High Courts

Shri Datar: I do not accept the expression "All."

Shri Easwara Iyer: Can the hon. Minister point out one instance?

Shri Datar: There are Benches only in some States. In Bombay and

## Bill

Madhya Pradesh they took the view that such powers could be exercised by the Benches also. That was a view taken by some Judges, and therefore the receiving powers are there. But so far as the Kerala High Court is concerned they took a view that the Bench could have no powers. When there was such a difference of opinion, naturally the Government of India had to take a view which was naturally in consonance with, so far as Kerala is concerned, the Chief Justice's view which we accepted for the time being. Thereafter we consulted the highest judicial authority that we have under the Government of India, the Attorney-General, and he gave the opinion that, with due deference to the views taken by the Bombay and Madhya Pradesh High Courts, the view taken by the High Court of Kerala was quite correct so far as the interpretation of section 51(3) was concerned.

Under these circumstances, we were at this position that it was open to the party to seek a judicial interpretation from the highest court, namely the Supreme Court of India.

Now, my hon. friend with vehemence stated that a particular man did not go to the Supreme Court because he had no means or his particular requirements were satisfied. So far as that question is concerned, it is certainly open to any citizen of Kerala or any other litigant to approach the Kerala High Court in the first instance and then take the matter to the Supreme Court.

Shri Narayanankutty Menon: Free of cost?

Shri Datar: Therefore, when the matter was judicially interpreted by the Kerala High Court, naturally it is open to any hon. Member or any citizen of India affected by this decision to take the matter at any time to the Supreme Court. There is no question of this right being barred to all the

citizens of India only because in one case a particular order has been passed. Therefore, I do not understand why my hon friend, Shri Menon, said that we are not going to the Supreme Court at all.

Shri Narayanankutty Menon: It is a very unfortunate understanding of the law. Nobody can go to the Supreme Court of his own accord.

Shri Datar: I have explained the position and I do not wish to explain it further. Even now what will happen is this. The Kerala High Court will confirm the decision and against the confirmation of the decision it would be open to the aggrieved party to approach the Supreme Court. That right cannot at all be denied. Therefore, this is a matter eminently fit for being taken to the Supreme Court, and this was the answer that the Home Minister gave when a particular question on this matter was asked.

Therefore, Sir, we have got these two matters before us. One is that the Kerala High Court has taken a view and it has judicially interpreted section 51(3), which view finds confirmation from the highest legal adviser to the Government of India. Secondly, we have got the larger question as to whether Benches should be allowed as a matter of course. So far as the Kerala Bench is concerned, that Bench is there. I would like to go into the merits and the advisability or otherwise of having a permanent Bench at Trivandrum. That question was raised in Parliament and I have already explained the pros and cons of it. Trivandrum happens to be at a place which is very near the southern border of Kerala, within a few miles from the sea.—I am speaking subject to correction Under these circumstances it would be open to the Kerala Government to consider the question as to whether there is a need for the establishment of a permanent bench at Trivandrum. If for instance, any proposal is received from the Chief Justice of the Kerala High Court or from the Kerala State Gov-

[Shri Datar]

ernment, then that question will surely be considered on merits with such sympathy as it deserves.

If, as my hon. friend desires, we should accept this Bill, the effect or the implication may kindly be understood. He is virtually removing or wiping out all the differences between a permanent bench and a temporary bench. So, this aspect of the matter has to be understood. Let us not look at it from the point of view of either Trivandrum or Jaipur or, as one of my friends suggested, Ajmer also. It is a question which has to be considered by Parliament, and Parliament has to consider the Law Commission's report with the respect it deserves. The Law Commission has stated that so far as the high courts are concerned, apart from the Supreme Court, the high courts are the highest seats of justice and the highest seats of justice ought always to be maintained without the lowering of standards. They are of the view that there ought to be no bench at all. That naturally implies that wherever there are benches those benches should disappear as early as possible and as conveniently as possible.

My friend needlessly accused the Government of India of discrimination. There is no question of any discrimination against any particular place.

**Shri Narayanankutty Menon:** How many times have you issued ordinances in direct contravention of the rulings given by the Supreme Court to get over their judgments?

**Shri Datar:** This is a question which affects the prestige of the Supreme Court.

**Shri Braj Raj Singh (Firozabad):** How is prestige affected by this?

**Shri Datar:** The authoritative opinion of the Law Commission is a thing which cannot be brushed aside very lightly. Therefore, I would request the hon. Member to understand

the implications. I can sympathise with my hon. friend or with those who want a temporary bench at Trivandrum to have more powers, but that question has to be considered in the context of the larger implications of having all other benches, permanent or temporary. A final decision has to be made in this respect, and I am confident that we shall have a fruitful discussion on this question.

I would not like to reply to the Jaipur case because I have got some grounds which I need not mention at this time. We have got a report of the special committee, the Rao Committee, which was appointed for this purpose. The Rao Committee definitely stated that there should be no bench at Jaipur at all. It is only under these circumstances that the Jaipur bench came to be abolished. When these two questions are properly settled, namely, whether the Law Commission's report should be fully accepted and whether we should or should not maintain a distinction between a temporary bench and a permanent bench, then only will this question receive due consideration.

17 hrs.

There is particularly nothing so far as the case for Travancore is concerned, but whatever claim it has either for a permanent bench or a temporary bench will have always to be considered with such sympathy as it deserves. Therefore, I would request my hon. friend not to press this particular matter. We shall consider all the matters and we shall try to follow the best course that is possible after taking both the sides into consideration.

I once again request my hon. friend not to press this amendment.

**Shri Easwara Iyer:** One small point in reply. My friend the Minister stated that the Law Commission has given a strong recommendation regarding the highest standards of justice. But I believe as a lawyer that the highest standards of justice cannot be attained by a high court judge just because he sits in one place, in a

very palatial building. It depends upon his legal erudition. It depends upon his capacity. Just because he sits in a division bench in Trivandrum, the standards are not going to be affected. Then, the question of abolition of benches was not within the terms of reference of the Law Commission. The Law Commission came in August, 1955 with an interim report voluntarily and gratuitously. This House desired the establishment of a Constitutional Bench under the States Re-organisation Act, ignoring the voluntary and gratuitous report. The Law Commission may be big, but we need not accept it as final.

**Shri D. C. Sharma:** Let him give the reply next time.

**Mr. Deputy-Speaker:** What about the appeal of the hon. Minister?

**Shri Easwara Iyer:** I am pressing the Bill.

**Mr. Deputy-Speaker:** Then I will put it to the House.

**Shri Raghunath Singh:** I may be allowed to move my Bill in the end.

**Shri Datar:** The other Bill is not finished yet.

17.03 hrs.

[MR. SPEAKER in the Chair]

**Mr. Speaker:** The question is:

"That the Bill further to amend the States Reorganisation Act, 1956, be taken into consideration."

**The Lok Sabha divided\*:** Ayes 10;  
Noes 94.

*The motion was negatived.*

17.05 hrs.

### MIRZAPUR STONE MAHAL (AMENDMENT) BILL

(Amendment of Section 3)

**Shri Raghunath Singh** (Varanasi): I beg to move that the Bill further to amend the Mirzapur Stone Mahal Act, 1886 be taken into consideration.

**Mr. Speaker:** The hon. Member may continue his speech the next time.

### BUSINESS ADVISORY COMMITTEE

#### FORTY-SECOND REPORT

**Shri Rane** (Buldana): I beg to present the Forty-second Report of the Business Advisory Committee.

17.07 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on August 29, 1959/Bhadra 7, 1881 (Saka).*

\*Names of members who recorded votes have not been included under the direction of the Speaker as the photo copy of Division result did not clearly show the names of all members.

[Friday, August 28, 1959/Jadhra 6, 1881 (Saka)]

COLUMNS			COLUMNS		
ORAL ANSWERS TO QUESTIONS			WRITTEN ANSWERS TO QUESTIONS		
S.Q. No.	Subject	4753-480	S.Q. No.	Subject	4809-50
866.	Newsprint factory, Nizamabad	4753-56	871.	Import of cycle components	4809
867.	Barahoti plateau	4756-60	875.	Government contractors	4809-10
868.	Loans for land development	4760-62	879.	Conference of Rehabilitation Secretaries at Srinagar	4810
869.	Pakistanis in Jammu and Kashmir	4762-64	881.	Hospital for mica mines at Kalichedu	4810-11
870.	Heavy Engineering Corporation	4764-66	884.	Export of meat and meat products	4811
872.	Industrial survey of Delhi	4766-67	885.	Code of discipline in industry	4811-12
873.	Aluminium factory in U.P.	4767-73	890.	Manufacture of newsprint	4812-13
874.	Manufacture of paper	4773-74	893.	Automatic looms	4813
876.	Export of tea	4774-76	894.	Looting of trucks by Nagas	4814
877.	Rehabilitation Ministers' Conference	4776-79	895.	Raw film quota for children's films	4814-15
878.	Nagaland Fertilizers and Chemicals Ltd.	4779-80	896.	Malaria officers in coal mines	4815
880.	Hunger strike by displaced persons in Dandakaranya	4780-81	897.	Manufacture of paper and pulp machinery	4815-16
882.	Narundi mines	4781-84	898.	Central Committee on Employment	4816-17
883.	Reduction in the price of streptomycin	4784	899.	Documentary film on Tagore	4818
886.	Indo-Pakistan trade talks	4784-86	900.	Kashmir	4818-19
887.	Radio commentary on Cricket matches	4787	901.	Foreign markets for Indian Films	4819
888.	Liquid rubber	4787-88	902.	Export of manganese ore to U.S.A.	4820
889.	Sale of scoters	4788-91	903.	World festival of Youth at Vienna	4820
891.	Small inventions development board	4791	904.	Trained Teacher Administrators	4821
892.	Orientalism course in Rural Housing	4792	905.	Tractors	4821-22
S.N.Q. No.			906.	Workers' Education Scheme	4822
4.	Occupation of Ladakhi territory by Chinese Forces	4793-4800	907.	Setting up of Aluminium Plant in Salem (Madras)	4823
5.	Chinese propaganda about Bhutan and Sikkim	4800-04	908.	Industries (Development and Regulation) Act, 1951	4823
6.	Pakistan President's meeting with Prime Minister	4804-05	909.	Kashmir	4824
7.	Gorakhpur Labour Organisation	4805-09	910.	India's membership to U. N. Trusteeship Council	4824
			911.	Export of mica to U.S.S.R.	4824-25

**WRITTEN ANSWERS TO  
QUESTIONS—contd**

Q. No.	Subject	Columns
912.	National Productivity Council	4825
913.	Indian Trade Union (Amendment) Act, 1947	4825-26
<b>U.S.Q. No</b>		
1672	National Industrial Development Corporation	4826-27
1673	Labour Co-operative Societies in Punjab	4827
1674	Films and food production	4827-28
1675	Film on silk industry	4828
1676	Progress in Housing Schemes	4828
1677	Slum Clearance in Bombay State	4828-29
1678	Displaced persons in Tripura	4829
1679	Power generation	4830
1680	Indian Textile Exports in U.S.A.	4830
1681	Central Assistance to Andhra Pradesh	4831
1682	Rural Housing in Orissa	4831
1683	Scientific apparatus	4831-32
1684	Middle Income Group Housing Scheme	4832-33
1685	Steel quota for Punjab	4833
1686	Government built quarters in Compensation Pool	4833-34
1687	Study of salt industry in France	4834-35
1688	State Trading Corporation of India Limited	4835
1689	Boarding House in Delhi	4836
1690	Bonus to colliery workers	4836
1691	Economies in building costs	4836-37
1692	Market for Indian ores	4837
1693.	Trade Development Fund	4837-38
1694.	Investment in Private Industry by Punjab Government	4838

**WRITTEN ANSWERS TO  
QUESTIONS—contd**

U.S.Q. No	Subject	Columns
1695	Housing colonies for weavers in Bombay	4838-39
1696	Import of Tanganyika cotton	4839
1697	Cruel sports	4839-40
1698	Raising of additional resources	4840
1699	Consumption of copper in Kerala State	4840-41
1700	Purchase of iron ore by State Trading Corporation	4841
1701	National Advisory Committee on Public Co-operation	4841-42
1702	Encounter with Pakistanis in Jammu	4842
1703	Nankana Sahib Pilgrimage	4842-43
1704	Exhibition of Indian Handicrafts in Foreign Countries	4843
1705	Export of tobacco	4843-44
1706	Cycles production in Punjab	4844
1707	Indian Arts and Crafts Exhibitions Abroad	4844-45
1708	Wood pulp industry in Himachal Pradesh	4845
1709	Indians employed in U.N.O. Secretariat	4845-46
1710	Small Scale Industries in Faridabad	4846
1711	Factories at Faridabad	4847
1712	Training of weavers abroad	4847
1713	Export of Barytes	4848
1714	Factory for photographic materials	4848
1715	Development of backward areas	4849
1716	Export of Kuth Oil from Kashmir	4849
1717	Cellulose pulp	4849-50
1718	Employees of the C.P.W.D.	4850-51
1719	C.H.S. Scheme for workcharged staff of C.P.W.D.	4851
1720	Amount allocated to Punjab	4851-52
1721.	Handloom Industry in Punjab	4852-54

**WRITTEN ANSWERS TO  
QUESTIONS—contd.**

U.S.Q. No	Subject	COLUMNS
1722.	Disputes in Calcutta Tramways and Calcutta Docks	4854
1723.	Labour Appellate Tribunal	4854
1724.	Population vis-a-vis National Income	4855
1725.	Small Scale and Cottage Industries in Madhya Pradesh	4855
1726	Centres of handicrafts in Assam	4855
1727	Part time jobs in Delhi	4856
1728	Nagas	4856
1729	Bicycle units in Madras State	4856-57
1730	Small Scale Industries in Rampur District (U.P.)	4857
1731	U.P.I. news agency	4857-59
1732.	Export of tea to U.K.	4859
1733	Manipur State Handloom Weavers' Co-operative Society	4859-60

**MOTIONS FOR ADJOURNMENT**

4860-73

The Speaker withheld his consent to the moving of the following five adjournment motions given notice of by the members shown against them :

(i) Reported Notices by Sar-  
entry of vashri Hem  
Chinese troops in Barua, Nara-  
van (Janesh  
to Indian Goray, Braj  
territory Rai Singh,  
and exchange H a r i s h  
of fire between C h a n d r a  
between Sharma and  
Chinese forces Atal Bihari  
and Indian border Vajpayee,  
pickets in  
N.E.F.A.

(ii) Alleged Notice by  
probing by Shri B. C.  
Chinese forces of Kamble  
India's defences and  
the attitude of Govern-  
ment in re-  
cord there-

**PAPERS LAID ON THE  
TABLE**

(1) A copy of each of the following papers :

(i) Annual Report of the Ashoka Hotels limited for the year ended 30th September, 1958 along with the Audited Accounts, under sub-section (1) of Section 639 of the Companies Act, 1956

(ii) Review by Government on the above Report

(2) A copy of each of the following papers

(i) Annual Report of the Heavy Electricals Private Limited for the year 1957-58 along with the Audited Accounts and comments of the Comptroller and Auditor General thereon, under sub-section (1) of Section 639 of the Companies Act, 1956.

(ii) Review by Government on the above report

**MESSAGE FROM RAJYA  
SABHA**

4874-75

Secretary reported a message from Rajya Sabha that Rajya Sabha had no recommendations to make to Lok Sabha in regard to the International Monetary Fund and Banks (Amendment) Bill, 1959 passed by Lok Sabha on the 22nd August 1959

**CALLING ATTENTION  
TO MATTER OF UR-  
GENT PUBLIC IMPORT-  
TANCE**

4875-77

Shri S. M. Banerjee called the attention of the Minister of Finance to the reported recommendation of the Pay Commission and the delay apprehended in Government's decision thereon.

The Minister of Finance (Shri Morarji Desai) made a statement in regard thereto.



## COLUMNS

## COLUMNS

MOTION RE: POLICY OF  
GOVERNMENT IN RE-  
GARD TO PUBLIC  
BORROWING

4877-4909

Shri A. C. Guha moved for the consideration of the Report of a motion re: Policy of Government in regard to Public borrowing. The discussion was not concluded.

REPORT OF COMMITTEE  
ON PRIVATE MEM-  
BERS' BILLS AND RI-  
SOLUTIONS ADOPTED

4909-10

Forty-eighth Report was adopted.

PRIVATE MEMBERS'  
BILLS INTRODUCED

4910-11

- (1) The Transport Co-ordination Bill, 1959 by Shri Jhulan Sinha.
- (2) The Industrial Disputes (Amendment) Bill, 1959 (Amendment of section 3) by Shri Ram Krishan Gupta
- (3) The Co-operative Societies (for Union Territories) Bill, 1959 by Shri Ariun Singh Bhardwaj.

PRIVATE MEMBERS'  
BILLS NEGATIVED

4911-78

- (1) Further discussion on the motion to consider the Code of Criminal Procedure (Amendment) Bill, 1957 (Omission of sections 107, 109 and 110 and amendment of section 16:) by Shri Jagdish Awasthi concluded.

The motion was negatived.

PRIVATE MEMBERS'  
BILLS NEGATIVED—*contd.*

- (2) Shri Baswara Iyer moved that the States Reorganisation (Amendment) Bill, 1958 (Amendment of section 51) be taken into consideration. On the motion for consideration, Lok Sabha divided, Ayes : 10 ; Noes : 94.

The motion was accordingly negatived

PRIVATE MEMBERS'  
BILL UNDER CONSI-  
DERATION

4978

Shri Raghunath Singh moved that the Mizzapur Stone Mahal Bill, 1958 (Amendment of section 3) be taken into consideration. The discussion was not concluded.

REPORT OF BUSINESS  
ADVISORY COMMIT-  
TEE PRESENTED

4978

Forty-second Report was presented.

AGENDA FOR SATUR-  
DAY, AUGUST 29, 1959/  
BHADRA 7, 1881 (SAKA)

Further discussion on the Demands for Supplementary Grants in respect of Kerala State for 1959-60, further discussion on the motion re: Policy of Government in regard to Public borrowing and discussion on the motion re: Report of National Small Industries Corporation.